Second Series, Vol. XLVIII No. 16

Monday, December 5, 1960
Agrahayana 14, 1882 (Saka)

LOK SABHA DEBATES

Second Session

LOK SABHA SECRETARIAT
New Delhi

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N.B.—The sign + above a name of a member on question which are orally answered, indicates that the question was actually asked on the floor of the House by that member.

GMGIPND—LS III—1545 (Ai) LS—19-12-60—901.

LOK SABHA

Monday, December 5, 1960/
Agrahayana 14, 1882 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Sodium Sulphate

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*680. **Shrimati Ila Pal Choudhuri:**
Shri P. G. Deb:
Shri S. A. Mehdi:
Shri Ramji Verma:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that in view of the commercial feasibility of obtaining large quantities of sodium sulphate annually from the Sambhar Lake bitterns a proposal to set up an industrial sodium sulphate producing plant is under the consideration of Government;

(b) if so, the full details thereof; and

(c) the nature of progress made in connection therewith?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir. The Hindustan Salt Company Limited has under consideration a proposal for putting up a plant for washing 1,000 tons of salt per day and recovery of 11,000 tons of sodium sulphate per annum from the salt washings also from the bitterns at Sambhar Lake in Rajasthan.

(c) The revised quotation received from a West German firm for the installation of the Washer-*cum*-Sodium sulphate Recovery Plant is under the examination of the Company.

Shrimati Ila Palchoudhuri: May I know how much investment will be required to do this process?

Shri Manubhai Shah: It is about Rs. 25 lakhs in foreign exchange and equal amount in rupees.

Shri Harish Chandra Mathur: Is the hon. Minister aware that as early as ten years back the then regional States of Jodhpur and Jaipur had a very big scheme for the exploitation of salt bitterns and allied industries? Has that scheme been given up or is it being pursued?

Shri Manubhai Shah: I do not know as far as the Jodhpur scheme is concerned. But the Rajasthan Government are implementing, and did one, for sodium sulphate. This is a combined scheme for washery as well as sodium sulphate.

Shri Harish Chandra Mathur: This is a very much smaller scheme. We had a much larger scheme for bitterns at Sambhar, and even at that time investment of about Rs. 2 crores was contemplated. That scheme was also discussed in a conference with the Minister of Industries in 1947 here at the all-India level. May I know whether the hon. Minister is aware of this?

Shri Manubhai Shah: No, Sir.

Shrimati Ila Palchoudhuri: May I know how much would be the return on this investment? It has been said that there would be approximately something like 31 per cent. return, because there would be a lot of availability of common salt also.

Shri Manubhai Shah: As far as the return is concerned, it is all problematical. This is going to be a very profitable scheme. But what the actual percentage will be will depend upon various conditions like cost of production, the sale price of the commodities and so on.

Licences for Starting New Industries

***681. Shri S. A. Mehdi:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 2200 on the 6th September, 1960 and state:

(a) the business firms who have been fined and had been given new licences by the Government for starting industries; and

(b) whether a statement will be laid about the new licenses given to each business firm since the time of their being fined for violation of foreign exchange rules?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

As regards the breach of the foreign exchange rules and regulations, the Ministry of Finance deals with all such violations and suitable penalties are enforced and action taken as permissible under the rules. Information in this connection has been already given in answer to Unstarred Question No. 2200 dated 6th September, 1960, by the Minister of Finance.

As far as licences under the Industries Act for establishment of industries are concerned, if any breach of the Industries Act is made by any firm holding an industrial licence, suitable action is always taken.

The Import Export Trade Control Act and the Rules thereunder provide different types of penalties for breaches of the Act and the Rules, and defaulting firms are suitably dealt with and penalised and action taken thereunder.

Shri S. A. Mehdi: May I know if some of the parties that have been heavily fined for the violation of foreign exchange regulations and whose names have been given in the statement attached to the answer to my Unstarred Question No. 2200, have been given fresh licences for imports later on?

Shri Manubhai Shah: If I may say so, the hon. Member has slightly mixed up the two questions. As far as violations of the foreign exchange regulations are concerned, the Ministry of Finance which is dealing with it has given an ample answer, and any further information on that should be really secured from that Ministry. As far as we are concerned, on all such matters there are definite rules laid down as I have mentioned in the statement, and penal action is taken against the defaulters.

Shri S. A. Mehdi: I only want to know if people who have been fined for violation of the foreign exchange regulations have been given further licences for imports later on or not.

Shri Manubhai Shah: The point is, foreign exchange violation is of a different category from import licence. Mostly, violations of foreign exchange regulations are by individuals, whereas here there are firms which are either established importers or actual users, and under different categories of import licences under the Indian Customs Act we take all actions in respect of them.

Shri Vidya Charan Shukla: The question has not been properly answered, Sir. The question is whether firms which have violated foreign exchange regulations have been given industrial licences or not.

Shri Manubhai Shah: I have explained in the statement that these are three different cases and there are punishments, and it is not always necessary that an industrial licence is barred to a firm which has been penalised on a certain other occasion. Of course, we take serious cases into consideration to see that the overall effect of a particular breach is not exaggerated.

Shri Vidya Charan Shukla: May I know whether there is any such case or not?

Shri Manubhai Shah: We have no notice of such cases.

Shri S. A. Mehdi: May I know whether Shri P. N. Taluqdar of Calcutta and Messrs. Bharat Overseas, Calcutta, mentioned in that statement have been given any further licences?

Shri Manubhai Shah: If the hon. Member gives me specific names, as he has given, I will certainly make enquiries and let him know.

Shri C. R. Patabhi Raman: Where moral turpitude is involved, will Government take action?

Shri Manubhai Shah: Yes, Sir.

Shri Ramanathan Chettiar: From the statement that the hon. Minister has laid on the Table of the House it looks as if he does not want to disclose the names of the various firms that have violated the foreign exchange regulations.

Shri Manubhai Shah: No, Sir.

Shri Ramanathan Chettiar: May I know whether the hon. Minister will lay on the Table a list of those firms which have violated foreign exchange regulations and which have been granted licences—apart from the two firms mentioned by my hon. friend Shri Mehdi?

Shri Manubhai Shah: As far as foreign exchange violations are concerned, the Ministry of Finance deals with the foreign exchange control rules and that Ministry has from time to time, even up to the latest period, given to the House the necessary information. We are really concerned with the operation of the Indusrties Act and the import licensing under the rules regarding actual users or established importers. There I have said that under the Act all violations are properly penalised, so many people have been black-listed and we have been placing those statements from time to time before the House.

Mr. Speaker: Hon. Members are evidently anxious to know this. Suppose some company is convicted by a court for something improper.

Shri Manubhai Shah: Such cases also we give.

Mr. Speaker: Unless it is brought to the notice of the hon. Minister, how can he act? There is no co-ordination between the Finance Ministry and this Ministry. He does not get information with respect to whoever in relation to trade or business is guilty of immoral acts. Does he not keep himself in touch with all this and then judge of the desirability of giving licences or not?

Shri Manubhai Shah: Sir, there is a slight misunderstanding about this. If it is a serious case of big violation, and not a technical breach or small breaches, then that is dealt with under the Act. As the other hon. Member said, if it is a case involving moral turpitude, naturally it surpasses all the limits of a particular law, and that action is taken into consideration.

Shri Narasimhan: May I know whether it has come to the Ministry's knowledge and whether the Ministry can quote a single case where owing to a question of moral turpitude or a question of a similar nature they were called upon to refuse the licence? Can they quote at least one case of exercise of such discretion?

Shri Manubhai Shah: Yes, I have known of many cases. Only four years ago a company in Bombay—and if the House wants the name, I can give it also—was black listed and for four years we did not give them any licence at all.

Shri Narasimhan: That is four years later.

Shri Manubhai Shah: That is the period stipulated as per rules. After all, the penalties are not perpetual.

Mr. Speaker All that the hon. Members want is that the Minister must regularly get information regarding violations of foreign exchange and then exercise his discretion. If he does not get even the list, how can he exercise the discretion? Therefore, he must be in touch with the Finance Ministry and get from time to time the list of those persons who have violated those regulations and then judge for himself whether the violation is the result of such moral turpitude that no licence ought to be given. He must keep himself in touch. That is all.

Shri Manubhai Shah: Sir, we are in constant touch and as regards any serious violation of any Act, not only the foreign exchange regulation but anything which involves such moral turpitude, as regards such violations all the Ministries are aware, and we do keep them in mind for any action.

Shri Tangamani: Apart from the violation of the foreign exchange regulations, may I know whether those who have violated the provisions of the Industries Act and also the Import and Export Trade Control and the rules have been granted licences for starting new industries or given import or export licences?

Shri Manubhai Shah: It is too general a question. That is what I am submitting. We know of several cases under the Industries Act as well as under the Import and Export Regulations where my colleagues and I have been placing statements here whenever a specific issue is raised. I can assure my hon. friend that in respect of every act of violation the dimensions of the violation have been properly dealt with and penalties conferred upon.

Shri T. B. Vittal Rao: May I know if the Dalmias, whose concerns are under enquiry, have not been given any licence during the period of these four years, when the enquiry has been going on?

Shri Manubhai Shah: That matter is very much before the House. As soon as the decisions of the Commission are known, all suitable action will be taken thereupon. But we cannot anticipate all the action to be taken in advance.

Shri T. B. Vittal Rao: My question is whether this group has been given any licence.

Mr. Speaker: What the hon. Minister says is, until definite decisions of the courts or the tribunals are before them, they cannot refuse. Therefore they have continued to give them.

Shri T. B. Vittal Rao: There was a *prima facie* case. An enquiry commission has been appointed. I want to know whether pending the results of the Commission, any licence has been given to them. They have been granting it!

Mr. Speaker: The opinion of the hon. Minister is this. The Minister thinks that until a final decision is taken, he ought not to refuse licence.

Import Licences

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*683. **Pandit D. N. Tiwari:**
Shri Shree Narayan Das:
Shri Khimji:
Shri Assar:
Shri S. A. Mehdi:
Shri P. G. Deb:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether cases of misuse and forging of the import licences have decreased since the amendment of the import Control Act of 1960;

(b) if not, steps taken to tackle the problem; and

(c) number of firms black-listed and prosecuted so far?

The Minister of Commerce (Shri Kanungo): (a) and (b). It is too early to make a proper assessment of the effects of the amended Act.

(c) The number of firms black-listed and prosecuted during 1959 and 1960 (upto October) was 53 and 34 respectively.

Russian Maps Showing Indian Territory as Chinese

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*684. { **Shri Vidya Charan Shukla:**
Shri B. C. Mullick:

Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 624 on the 22nd August, 1960 and state:

(a) whether any reply has since been received from the U.S.S.R. Government regarding the question of showing in Russian maps large parts of Indian territory in China; and

(b) if not, whether any reminder has been sent to the U.S.S.R. Government?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) No, Sir.

(b) Yes, Sir.

Shri Vidya Charan Shukla: May I know whether we have requested the Russian Government to show these areas at least as disputed areas till the question is finally solved with the Chinese Authorities?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We have pointed out all this matter to them and we have discussed this matter with them. And they have said they will consider it. We cannot go on bringing pressure on a foreign Government as to how they should issue their publications.

Mr. Speaker: The hon. Member wants to know whether in this form it has been brought to their notice—that the map may be shown as disputed territory.

Shri Jawaharlal Nehru: I cannot precisely say in what form the discussion took place. But obviously this aspect must have been also considered.

Shri Vidya Charan Shukla: May I know what reasons the Government attribute to this Russian silence in not replying to our specific questions, in our correspondence about it?

Mr. Speaker: The hon. Minister has replied; we cannot go on writing to the foreign Government.

Shri Jawaharlal Nehru: There are many countries in Europe and elsewhere which have their atlases which are not in conformity with ours in regard to India's frontiers. It is very difficult to issue instruction from here. We can point this out to them and we hope they will follow. Sometimes they say they will look into the matter and so on, and we go on drawing their attention again. But we have to realise that in independent countries, sometimes the atlases printed are by private firms there; sometimes by Governmental agencies. The reply from the Russian authorities has been always that they will look into this matter.

Shri A. M. Tariq: May I request you to take up Question No. 698 along with this?

Mr. Speaker: Let me see. I will find out. Shri Hem Barua.

Shri Hem Barua: In view of the fact that Soviet Russia has prepared the Chinese version of the map in preference to the Indian version, may I know whether the Government have tried to ascertain from Soviet Russia if this is an indication of their tacit approval of the Chinese cartographic claim on Indian territory?

Shri Jawaharlal Nehru: This is a kind of question which would be rather extraordinary to put to a country and most unwise. This question of the Soviet atlas began before the present, recent trouble—began in 1954, six years ago. When the first atlas came to us, we pointed this out and since then we have been pointing this out. It is obvious—at least I presume so—that when they did in 1954, they copied all this from the Chinese atlases without giving much thought to it. The question was not one before them, as one of issue between them at that time, and they have continued that with minor variations, because, a change in that, presumably they thought, would not be from their point of view desirable, or will bring them into any controversy, whatever the reason might be; I cannot say. Anyhow, my point was this started six years ago.

Mr. Speaker: Now, Question No. 698 was referred to by Shri A. M. Tariq. It deals with the ban on publications questioning Indian frontiers. That is a different matter. Next question.

Portable Typewriters

***685. Shri Subiman Ghose:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any private company has recently started manufacturing portable typewriters in Calcutta;

(b) if so, which is the company and from which country;

(c) when such typewriter is expected to come in the market;

(d) whether any foreign exchange will be saved by it; and

(e) if so, the amount expected to be saved?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) M|s. Blackwoods India Ltd., Calcutta, which is wholly an Indian concern.

(c) These typewriters are already in the market.

(d) and (e). Imports of complete typewriters, portable and standard, are banned at present.

Shri Subiman Ghose: May I know whether this Indian company is manufacturing the parts or whether it is only assembling the parts?

Shri Manubhai Shah: They are making parts here also.

Shri Sadhan Gupta: May I know what is the indigenous content of these typewriters, and what is the price at which they are being sold?

Shri Manubhai Shah: 93 per cent is indigenous and 7 per cent is foreign: only proprietary and difficult parts. The price varies from Rs. 600 to Rs. 2,000.

Shri Tangamani: May I know whether it is a fact that the Madras firm called Haldas have also applied, and whether the Government will consider issuing licence for the manufacture of these typewriters in that place?

Shri Manubhai Shah: They are already in production.

Shri S. M. Banerjee: From the reply of the hon. Minister it appears that the import has been stopped. May I know whether as a result of this, the price of the imported typewriters has gone up considerably in the market? If so, what steps have been taken to see that the typewriters are sold at reasonable prices?

Shri Manubhai Shah: No prices have really gone up. As the House is aware, in every such matter, there is a slight scarcity because of the foreign exchange situation and the internal demand also is continously going up. Therefore, there has been sometimes a little difficulty here and there, but, on the whole, we are getting near self-sufficiency in typewriters, both standard and portable.

Export of Mica

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*686. **Shri Harish Chandra Mathur:**
Shri Rajendra Singh:
Shri Aurobindo Ghosal:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) to what extent the export of mica have declined during the years 1959-60 and 1960-61 so far;

(b) what are the prospects for future export; and

(c) whether the State Trading Corporation is taking any interest in stepping up the export of Mica?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Mica exports have not declined.

(b) Exports during the year 1960-61 are expected to be of the same order, if not higher, as those of 1959-60.

(c) Yes, Sir.

Shri Harish Chandra Mathur: May I know to what extent and in what manner the S.T.C. has been helpful in promoting the export of mica?

Shri Satish Chandra: The S.T.C. has been supplying mica mainly to the East European countries and has also concluded some barter deals with the United State of America.

Shri Harish Chandra Mathur: May I know whether they have been able to export through the S.T.C., by barter deals, mica to the eastern countries and to what extent and what are the future prospects?

Shri Satish Chandra: Perhaps the hon. Member wants figures. This year, in 1960, during the first seven months, the S.T.C. has supplied about 75,000 lbs. of mica to East Germany; another 10,000 lbs. to the U.S.S.R. and smaller quantities to others. It has also supplied 18,000 lbs. to West Germany. A barter deal covering 10,70,000 lbs. has been concluded with the United States of America against the import of steel.

Shri Vidya Charan Shukla: May I know if the State Trading Corporation insisted, to begin with, that Re. 1 per unit of mica that is to be exported out of India should be paid to the State Trading Corporation before it is exported and whether this stipulation has now been withdrawn?

Shri Satish Chandra: These are matters of detail which the S.T.C. decides for itself. We do not have such details in full.

Shri Vidya Charan Shukla: My point is that because of such a stipulation by the S.T.C. from the year it began taking interest in the export of mica, the export of mica declined. I do not know whether this coincided with this export-import business.

Shri Satish Chandra: I have said in reply to the main question that mica exports have not declined. As regards the small commission charged by the S.T.C., it is perfectly legitimate for the services rendered by it, for securing business and for employing additional staff for this purpose.

Shri Vidya Charan Shukla: What was the export of mica immediately before and after the S.T.C. took over the exports? The export of mica did decline at least, maybe, for one or two years.

Shri Satish Chandra: These are all assumptions. The State Trading Corporation has been supplying mica to East European countries which were not taking it before. If the hon. Member wants, I can give them from 1958. The S.T.C. has come into the picture mainly from 1959. In 1958 the total mica exports were about Rs. 10,20,00,000. In 1959 they were Rs. 11,14,00,000. In the six months of 1960 mica exports were about Rs. 5 59,00,000. This does not show a declining trend at all.

Working Group on Textile Industry

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*688. { **Shri S. M. Banerjee:**
Shri Indrajit Gup'a:
Kumari M. Vedakumari:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1733 on the 30th August, 1960 and state:

(a) whether Government considered the recommendations of the Working Group on Textile Industry regarding modernisation of textile mills; and

(b) if so, what action is being taken in the matter?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The matter is still under Government's consideration.

Shri S. M. Banerjee: In reply to the earlier question also it was stated that the matter was under consideration. I want to know when the final decision is likely to be taken in this matter.

Shri Manubhai Shah: I think the decision of the Government should be available within three months or so.

Shri S. M. Banerjee: There is a genuine fear in the minds of workers that modernisation will result in the elimination of human labour. May I know whether before taking a final decision the various trade union organisations will be taken into confidence?

Shri Manubhai Shah: The matter is obvious. We have always had the policy of modernisation or rehabilitation without retrenchment and subject to the decision of the Indian Labour Conference. All these things are being worked out. Therefore there is no question of any further assurance on that account.

Arrest of Kashmiri Muslims in Tibet

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*690. **Dr. Ram Subhag Singh:**
Shri Hem Barua:
Shri P. K. Deo:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that some Muslim leaders of Kashmir were recently arrested in Lhasa by the Chinese authorities;

(b) if so, what is their number;

(c) whether they are kept in Lhasa jails or have been taken elsewhere; and

(d) whether Government have received any intimation from the Chinese authorities about those Muslim leaders?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Recently there has been no arrest of Kashmiri Muslims in Tibet.

(b) to (d). Do not arise.

Shri Raghunath Singh: Q. No. 703 and Q. No. 690 are the same questions. One relates to Kashmiri Muslims from Tibet and the other to arrest of Kashmiri Muslims in Tibet. They may be taken together.

Mr. Speaker: Q. No. 703 may also be answered along with this.

Kashmiri Muslims from Tibet

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*703. **Shri Subiman Ghose:**
Shri Ram Krishan Gupta:
Shri Wodeyar:
Shri Raghunath Singh:
Shri Hem Barua:
Shrimati Mafida Ahmed:
Shri D. C. Sharma:
Shri P. G. Deb:

Will the **Prime Minister** be pleased to state:

(a) whether recently there has been renewed migration of Kashmiri Muslims from Lhasa;

(b) if so, whether Government have ascertained the causes of sudden influx and recent migration; and

(c) the number of Kashmiri Muslims who have since come to India?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) A number of Kashmiri Muslims have come from Tibet to India recently.

(b) For the last year and a half these Kashmiri Muslims have been trying to return to India. The Chinese authorities raised some difficulties in regard to their return claiming that they were Chinese nationals. In the White Papers I to IV on Sino-Indian relations, a number of Notes have been published in regard to this matter. In September, 1960 these Kashmiri Muslims were permitted by the Chinese authorities to leave Tibet.

(c) Approximately 675.

Dr. Ram Subhag Singh: May I know if the Ladakhi Muslims who were arrested there some time ago, not exactly recently, have been kept in Lhasa Jail or somewhere else and whether our Consulate people or anybody else have succeeded in contacting them?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): A large number of these Muslims from Ladakh have now been allowed to come to India. They are in India in fact. I cannot say where they were kept. They were there in some kind of detention. It was obviously detention. Some were not in detention at all. But they had to report themselves. Some, I believe, are still there. I do not know what further information the hon. Member requires.

Dr. Ram Subhag Singh: It is mentioned in the White Paper that some persons were arrested and sentenced to 10 or 15 years imprisonment. Has any of our officials contacted them in Jail or at least approached the Chinese Government to contact them?

Shri Jawaharlal Nehru: I do not think any of our officials were permitted to pay visits to the prison. The Chinese case was that these people were Chinese nationals. They denied the fact that they were Indian nationals. But ultimately owing to our pursuing this matter for months and months, they have allowed a large number of them—the number is given there—to come to India. They are now in India. How many are left behind, I do not know.

Dr. Ram Subhag Singh: That is precisely my point. Previously when the Chinese did not admit them to be Indian nationals, they arrested their leaders and sentenced them to 10 to 15 years rigorous imprisonment. Now are they going to consider the cases of those sentenced persons *de novo* or not because now they have taken up the stand that they can return to India?

Mr. Speaker: Are they kept in jail?

Shri Sadath Ali Khan: The Indian Consul General at Lhasa had been repeatedly requesting the Foreign Bureau for the release of Kashmiris still under detention and also to facilitate their return to India. The Foreign Bureau has, however, refused to entertain the Consul General's representations stating that the arrested persons were not Indian nationals. The Consul General will, however, continue to press for their release. They are still there.

Shri Vajpayee: What is the number of those who are detained in Tibet? Are we not in a position even to ascertain their number?

Shri Sadath Ali Khan: There are about eleven Kashmiris arrested by the Chinese authorities in Tibet. Recently there have been no arrests. But at present three persons are undergoing imprisonment, four are in detention camp and the remaining four were released on different dates.

Shri Hem Barua: May I know whether it is a fact that some of these Kashmiri Muslims in Tibet were subject to a vigorous syllabus of political education on the line that India is an expansionist country who grabs other peoples' territory and it is India who instigated the revolt in Tibet? If so, what steps have Government taken to rewash the brains of those who have come back?

Mr. Speaker: Shri Braj Raj Singh.

Shri Hem Barua: Sir, is it not important?

Mr. Speaker: I am sorry.

Shri Hem Barua: Some of the Kashmiri Muslims who have come back . . .

Mr. Speaker: The hon. Member asks some questions merely for the purpose of asking them here. What answer does he expect? We do not know what brain-washing is. Does he want this hon. House and the Government also to take to brain-washing of hon. Members?

Shri Hem Barua: May I submit that some of the Kashmiri Muslims who have come back . . .

Mr. Speaker: It is meaningless.

Shri Hem Barua: They have made statements in the press . . . .

Mr. Speaker: I do not know how they can be brain-washed here. We do not take to brain-washing here.

Shri Hem Barua: They have admitted that they were subjected to political education.

Mr. Speaker: I am sorry. Shri Braj Raj Singh.

Shri Braj Raj Singh: About the eleven persons who are either detained or sentenced and are in jails in Tibet, has it been given by the Chinese authorities that they are not Indian nationals? If so, have the Government of India approached them saying that they happen to be Indian nationals just like the other persons who have returned to India?

Shri Jawaharlal Nehru: That is the argument that has gone on for some months. Many of these people have been in Tibet for a large number of years. Some have married Tibetan ladies. This argument has gone on as to whether they are Indian nationals or Tibetan or Chinese nationals. Under great pressure from these people themselves, a considerable number of them have been allowed to come back. In regard to the eleven, the Chinese authorities have not agreed that they are Indian nationals. That is the stand on which we have been carrying on the argument.

Shri Raghunath Singh: What is the charge against them and will these 600 Kashmiris who came from Tibet be treated as Indian citizens or not?

Shri Jawaharlal Nehru: The question is whether they are Indian nationals or Chinese nationals. The charge is, presuming them to be Chinese nationals, that they do not fall in with the views of the State and are agitating and whatever else they may be doing. I cannot answer what the exact charge is. I have not seen it. But the fact that they are behaving in ways which are not agreeable to the Chinese Government, I take it, has led to their being arrested.

Shri Kalika Singh: May I know whether the Chinese action is directed against the people in general in Lhasa or against the Kashmiri Muslims only?

Shri Jawaharlal Nehru: This is only against people whose nationality are not known; not against the people in general. Some people have been living there for 10, 20 or 30 years and, as I said, some of them have married there. The Chinese claim that they are Chinese or Tibetan nationals, while they say "No, we are Indian nationals" and we support them.

Shri Ranga: In view of the fact that they have stayed there and got married to those ladies there and they still continue to be Indians, is any effort made by the Indian Government to ascertain how many Indians there are, where they are and what their occupations are? Is there no necessity for the Government to use their good offices to help those people to come back here if they so desire?

Shri Jawaharlal Nehru: If the hon. Member reads the White Paper he will get an answer to this question.

Shri Ranga: I am unable to follow the reply.

Shri Jawaharlal Nehru: I said these matters are dealt with in the communications in the White Paper that has been issued. So, the hon. Member can get that information from that. That is to say, we know fairly precisely those who claim to be Indian nationals. In regard to some there is no dispute; so they have come back. In regard to some there has been some dispute whether they are Kashmiri Muslims or Ladakh Buddhists and about their nationality. This dispute arose—previously there was no dispute—when the disturbances in Tibet took place in a rather big way a year and a half ago. Then the matter came up. Previously, the question did not come up. After that, they wanted to leave Tibet and do so on the basis of Indian nationality. So, they approached our Consulate General and now some hundreds of people have been allowed to move. But some others are still there and this argument is still there as to what their nationalities are.

Shri Hem Barua: May I put a question? In view of the fact that the hon. Prime Minister admitted that some of the Kashmiri Muslims have married Tibetan women, may I know whether the Kashmiri Muslims who want to come back are also permitted to take their Tibetan wives with them?

Mr. Speaker: Shrimati Mafida Ahmed.

Shrimati Mafida Ahmed: May I know whether any effective measures are being taken to check infiltration of undesirable elements among the Kashmiri Muslims?

Shri Jawaharlal Nehru: Some measures are taken. I cannot guarantee the effectiveness of them. I cannot guarantee they are always effective. We try our best.

Hindustan Salt Co. Ltd.

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*694. { **Shri P. R. Patel:**
Shri M. M. Gandhi:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Hindustan Salt (Private) Co., Ltd. sold 30 lakhs mds. of Kharaghoda salt at 0·42 nP. per maund;

(b) whether any tenders were invited and if not why;

(c) whether it is a fact that the market price on the date of transaction of sale was 0·55 nP. per maund;

(d) for how many maunds orders to disptach Khargahoda salt were pending for execution with Hindustan Salt Co., Ltd. and whether the orders were accepted at 0.55 nP. price;

(e) whether the difference between the market price 0·55 nP. per maund and the negotiated sale price 0·42 nP.. per maund may cause the company a loss of Rs. 390,000; and

(f) whether the negotiated transaction was done with 'Gujarat Salt Trading Corporation'—a very recently started concern?

The Minister of Industry (Shri Manubhai Shah): (a) to (f). A statement is laid on the Table of the House.

STATEMENT

(a) Yes, Sir.

(b) The transaction referred to relates to the disposal of accumulations of powdery salt of the 1958 crop for which there was no demand. Tata Chemicals offered to take 5 lakh maunds of this stuff for use in their Soda Ash Plant. The maximum price that could be secured from that firm was 40 nP. per maund, in view of the fact that the firm had to incur rail transport expenses involving a break of gauge as well as pay the Cess. This disposal initiated further enquiries for the accumulated powdery salt and a group of Kharaghoda Salt Traders offered to take the entire accumulation of about 30 lakh maunds at the same price as that at which the sale had been effected to Tatas. The management of the Hindustan Salt Company was able to secure a slightly higher price by negotiation namely 42 nP. for the second deal which enabled the Company to clear completely the accumulations of the 1958 powdery salt. These two disposals would render available sufficient storage space for the incoming 1960 crop, whose production would otherwise have had to be more severely curtailed for lack of storage space.

(c) The sale price fixed by the Hindustan Salt Company for their crystalline salt was 55 nP. per Bengal maund.

(d) Orders for 73,914 B. maunds at 0·55 nP. per maund were pending with the Company on the date the deal was finalised.

(e) Yes, Sir.

(f) The deal was negotiated with certain leading traders of Kharaghoda, who subsequently formed themselves into a partnership firm in the name and style of "Gujerat Salt Trading Corporation".

Shri P. R. Patel: In the statement it is stated:

> "The transaction referred to relates to the disposal of accumulations of powdery salt of the 1958 crop for which there was no demand."

How many maunds of salt were manufactured and what is the percentage of powdery salt? I want to know further whether any tenders were invited before selling this to private persons?

Mr. Speaker: Already the question is long. The supplementaries are longer still!

Shri Manubhai Shah: Regarding the first part of the question of the hon. Member, 73,18,000 maunds were manufactured in 1958. Of course, in 1959, the production was only 52,00,000 maunds. This is not the normal standard quality of salt; this is what is called *chooram* in that part of the country, powdery salt. This generally fetches a lower price. In this case they had to clear the ground because the fresh stocks had to be properly stored. So, they sold it to a chemical firm nearby at the same price and then negotiated further with those firms who are lifting it up from year to year. That is how it was disposed of.

Corpses of Indians on Ceylon Coast

*695. **Shri Tangamani:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that dead bodies of 18 Indian nationals were found washed ashore on the North Coast of Ceylon during August, 1960;

(b) if so, whether the Indian High Commission arranged for their burial;

(c) what are the findings of the inquiry held by the Ceylon Government;

(d) whether the persons arrested in this connection have been convicted for any offence;

(e) whether it has been brought to the notice of Government that respectable Indian nationals are detained as illicit immigrants; and

(f) if so, what steps are being taken by our High Commissioner to put an end to such harassment?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Government enquiries reveal that the dead bodies of 16 Indian nationals were found washed ashore on the North coast of Ceylon in August, 1960.

(b) The bodies were buried after religious rites were performed by two priests—one Hindu and one Muslim—in the presence of a representative of the Indian High Commission

(c) A copy of the inquest proceedings has not yet been received from the Ceylon Government.

(d) Of the 6 persons who were arrested by the Ceylon Police, 4 were detained in Ceylon in connection with the magisterial enquiry which concluded on the 10th October, 1960. A copy of the inquest proceedings when received from the Attorney General of Ceylon will be forwarded to the Controller of Emigration, Madras. The photographs of the 16 dead bodies received from the Government of Ceylon and copies of statements made by 4 survivors were forwarded to the Controller of Emigration, Madras, who will in due course consider action to prosecute the offenders in a court of law.

(e) No.

(f) Does not arise.

Shri Tangamani: What are the findings of the magistrate's court in Ceylon about the four persons who were detained?

Shrimati Lakshmi Menon: I have stated in the original answer that we are awaiting the inquest proceedings.

Shri Tangamani: The hon. Deputy Minister stated in the original answer that six persons have been arrested and four of them have been detained before the magistrate's court and findings have been given. What are the findings of the magistrate's court?

Shrimati Lakshmi Menon: What I said was that a copy of the inquest proceedings, when received from the Attorney-General, will be forwarded to the Controller of Emigration, Madras.

Mr. Speaker: The hon. Member says that the hon. Minister read out that some findings were also given in the case of those persons who were arrested and detained.

Shrimati Lakshmi Menon: I did not say so.

Shri Tangamani: In reply to part (d) of the question you have stated...

Shrimati Lakshmi Menon: I will read that portion again; it reads:

> "Of the 6 persons who were arrested by the Ceylon Police, 4 were detained in Ceylon in connection with the magisterial enquiry which concluded on the 10th October, 1960. A copy of the inquest proceedings when received from the Attorney General of Ceylon will be forwarded to the Controller of Emigration, Madras."

Shri Tangamani: The information they have received is that 36 persons were there in a particular boat, 16 bodies were found and the magistrate's court has found that these 4 persons who were arrested were not illicit immigrants.

Shrimati Lakshmi Menon: I may point out that the boat contained not 36 but 42 persons, two crew and the agents.

Shri Tangamani: What has happened to the two other persons who were in this boat? Are they at present in Ceylon or in India?

Shrimati Lakshmi Menon: Out of the 42, 16 were dead, 6 were arrested and deported, 7 are awaiting deportation, 6 were towed, two boat crew have come back and 7 presumably returned or evaded detection.

Shri Tangamani: Regarding (e) and (f) no definite answer has been given. I would like to know whether Government have received a representation from an affected person in Ceylon by name Vedanayagam that although he was a Ceylon subject he was sent back to India because the High Commission certified that he was an Indian national?

Shrimati Lakshmi Menon: We have not received any representation. But I may inform the hon. Member that there is a procedure laid down for identifying whether a person is an Indian national, illicit immigrant or a stateless person. If there is any dispute as to the nationality of the migrant, the onus is on the migrant himself to prove that he is an Indian national and not an illicit migrant. The Ceylon Government then refers the case to our High Commission. Then the High Commission makes the necessary interrogation and if it is convinced that he is an Indian national then he is given proper documents to come back to India. But if he is continuously residing in Ceylon before 1st November. 1959 then he is not regarded as an Indian national; he is regarded as a Ceylon national and if he has not got the papers he comes under the category of stateless persons. According to these procedures, these people will be interrogated and they will be deported or given papers according to the evidence.

Shri Raghunath Singh: We are more concerned to know how they died. Sixteen persons died and the statement was made in court. What was the statement? How did these people die?

Shrimati Lakshmi Menon: As far as we know, they died because they did not know swimming. They were illicit immigrants. When they were near the Ceylon shores, the boatmen asked them to get out of the boat. They got down. They were out of depth. They wanted to come back. They were allowed to come back. They were drowned.

Claims of Displaced Persons

***696. Shri Yadav Narayan Jadhav:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that Government propose to appoint an agency to settle claims of the displaced Government staff;

(b) if so, what are the terms of reference of this agency; and

(c) whether any time limit has been fixed for the completion of the work by Government?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) and (b). No new agency is proposed to be appointed for settlement of claims of Displaced Government staff. These claims are processed and settled through the Central Claims Organisation already set up in the two countries.

(c) No time limit has been fixed for the completion of the work. Every effort is however, being made to complete the work as soon as possible.

Shri Yadav Narayan Jadhav: How many cases are pending of these government servants?

Shri P. S. Naskar: The cases pending with the Government of Pakistan, which were referred by the Government of India are about 11,300.

Shri Yadav Narayan Jadhav: For how long they are pending?

Shri P. S. Naskar: From time to time we referred the cases. I cannot give the exact date or say how long they are pending.

Industrial Relations in Iron and Steel Industry

***697. Shri Kunhan:** Will the Minister of **Labour and Employment** be pleased to state whether Government have any intention to take over industrial relations **in iron and steel** industry into the Central sphere?

The Deputy Minister of Labour and Planning (Shri L. N. Mishra): No such proposal is under consideration at present.

Shri Kunhan: May I know whether the Government have received any representation from any Central T.U. organisation regarding this matter?

Shri L. N. Mishra: I am not aware of any recommendation from any central workers organisation. As a matter of fact, the Estimates Committee made a recommendation. We have taken up the matter with the employing Ministries and we are awaiting replies from them. After receipt of reply, we will take it up with the State Governments.

Shri T. B. Vittal Rao: In view of the fact that this industry is entirely regulated by the Central Government with regard to production, price and various other things, what is the difficulty in taking it over?

Shri L. N. Mishra: We took it with the State Government a year ago. Many of the State Governments did not agree with the proposal. At present, it continues to be in their sphere.

Shri T. B. Vittal Rao: Is it not a fact that the steel industry is entirely regulated by the Central Government and the industrial relations are within the purview of the State Government, workers find it very difficult to resolve disputes in that matter?

Shri L. N. Mishra: There has not been any difficulty. There have been some voluntary agreements between the State Governments and the Union

Government on certain matters, and if the State Governments or the Union Government want to take any steps, they have to consult the other.

Shri T. B. Vittal Rao: Has the Indian Iron and Steel Company recommended to the Government that these industrial relations should be taken up by the Central Government?

Shri L. N. Mishra: I am not aware of it.

Shri S. M. Banerjee: May I know whether it has been brought to the notice of the hon. Minister that there have been gross violations of labour laws in some of the steel plants owned by the Government itself? What steps are taken by the Labour Ministry to see that these are implemented?

Shri L. N. Mishra: Recently the Ministry of Steel, Mines and Fuel have replied that most of the labour laws have been now made applicable to the public sector steel industry.

Shri S. M. Banerjee: I want to know whether it is a fact that in none of the steel plants whether in Bhilai, Rourkela or Durgapur works committees are functioning and there is no quorum in which the workers can ventilate their grievance. What steps have been taken by the Government to see that Works Committees function.

Shri L. N. Mishra: It is a fact that works committees and joint negotiating machinery have not yet been set up. They are in the preliminary stages. But, the management has assured that when the factory goes into full production, they will take up these things.

Shri T. B. Vittal Rao: May I know if this item will be put down in the agenda for the next Standing Labour Committee?

Shri L. N. Mishra: I do not think so.

Ban on Publications Questioning Indian Frontiers

*698. **Shri A. M. Tariq:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 918 on the 15th December, 1959 and state:

(a) whether the entry of any book, periodical, pamphlet or other document which contains any words, signs or visible representations questioning the frontiers of India has been stopped under the notification published in the Gazette of India on the 26th November, 1959;

(b) if so, the names of such publications; and

(c) the action taken in the matter?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) A list is placed on the Table of the House. [*See* Appendix II, annexure No. 73].

(c) The publications were either seized by the State Governments or detained by the Customs authorities. In some cases the Customs authorities were alerted to prevent the import of the publications into India.

Shri A. M. Tariq: May I know in what year these booklets or pamphlets were stopped and whether their entry was stopped or circulation was stopped?

Shrimati Lakshmi Menon: Action is taken under the Sea Customs Act. There is a general ban under the Sea Customs Act of 1878 and this particular notification was issued on 26th November, 1959.

Shri A. M. Tariq: May I know, if it is in 1959, how the 59th edition of Pears Cyclopaedia which was only published in early 1960 got entry into India? Also may I know how this Political Biography of Nehru, written by Michael Bretcher, which was published in 1959, and then, very lately, the History of Gen. Thimmaiah got entry into this country?

Mr. Speaker: These are details. How does he expect the hon. Minister to say?

Shri A. M. Tariq: These are important questions. According to this order, no such book can enter India. How is this Pears Cyclopaedia, latest 59th edition, curculated?

Mr. Speaker: There are hundreds of publications. These are individual cases.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is obviously—I feel so—not desirable to take steps because there is some minor divergence in a map anywhere. There are all kinds of books coming from all over the world. If you pounce upon every book and look into everything, there is some deviation or divergence. It is neither becoming nor helpful. The main aim is, if these are used for propagandist activities, we try to stop them.

Shri A. M. Tariq: May I draw the hon. Prime Minister's attention to the very important book, that is, *Political Biography of Shri Jawaharlal Nehru,* written by the world-famous writer, Michael Bretcher. This book was edited after he consulted leaders of India and the Ministry of External Affairs. In that book he has shown Kashmir as disputed territory. May I know what action Government of India have taken?

Shri Jawaharlal Nehru: None. We do not intend to. It is obvious that in a book like that, we may not like what he has written or what he may depict in a map. I think that in all normal practice, it will be highly improper for us to stop books or papers coming that way because it does not agree with our outlook.

Mr. Speaker: I thought the hon. Member said that they were distributed by the External Affairs Ministry.

Shri Jawaharlal Nehru: I do not think so.

Shri A. M. Tariq: I never said that. I said it was edited with the knowledge of the External Affairs Ministry.

Shri Vidya Charan Shukla: The statement laid on the Table of House lists a periodical China Reconstructs which has been banned twice. Is it not a fact that this periodical is freely circulated in India and only after it has reached all people, the Government notices that this is something objectionable and then action is taken. Will action be taken to prohibit the entry of this periodical on a permanent basis?

Mr. Speaker: How can this be done? Shri Thirumala Rao.

Shri Thirumala Rao: In view of the incorrect map put in the Biography of Nehru, will the External Affairs Ministry draw his attention and see that the mistake is corrected when the Second edition is brought?

Shri Jawaharlal Nehru: No, Sir. Here is a man who shows a certain part of India, namely, Kashmir State or a part of it in a particular way, as disputed or what not. Our view is different. He deals with that matter in his book. How can you force him to do anything by going on drawing his attention? He knows that very well.

Attack on Indian Diplomat's Wife in Congo

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*669. **Shrimati Mafida Ahmed:**
Shri Raghunath Singh:
Dr. Ram Subhag Singh:
Shri H. N. Mukerjee:
Shri Tangamani:
Shri Prabhat Kar:
Shri S. M. Banerjee:
Shrimati Ila Palchoudhuri:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the wife of the Indian Diplomat in Congo was roughly handled on 11th November, 1960 by Col. Mobutu's soldiers; and

(b) if so, the details thereof?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). She was not roughly handled. While driving, her car was stopped by some Congolese soldiers who shouted and turned her car back. There was no physical violence.

Shrimati Mafida Ahmed: It seems a dangerous situation is prevailing in the Congo. The Law and order condition is not normal. Will the hon. Prime Minister be pleased to enlighten us regarding who is responsible for the protection of the life and honour of the Indian embassy personnel and their families?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Normally, Sir, one would presume that the Government of the country is primarily responsible. Secondly, in regard to the Congo, one would imagine that the United Nations forces had also certain responsibility. I confess I cannot say at the present moment who is responsible, or who is effectively so, because the Congolese Government is an unsual type of Government, and the Congolese army is also a very unusual type of army which does what it likes as individuals and the United Nations forces there for the moment do not seem to be very effective. I could say no more.

In this morning's papers one reads that apart from other minor things, one or more fingers of Mr. Lumumba were chewed. It is rather difficult to deal with a situation like this in normal language.

Shri Raghunath Singh: Today we have read in the papers that some goods of this lady were taken away by the troops of Col. Mobutu.

Shri Jawaharlal Nehru: Yes, Sir. A number of packages, crates, containing some personal belongings of our Ambassador as well as some business papers apparently, from the news received, have been stopped or held by some people representing the Congolese authorities at the present moment. Naturally, protests have been made, and our Embassy is trying to get them.

Shri H. N. Mukerjee: Since it is fairly clear that the so-called Western Powers have brought about a situation where this kind of thing happens, may I know if Government is trying to co-operate with our Afro-Asian friends with a view to finding out what exactly we should do in this kind of situation in the Congo?

Shri Jawaharlal Nehru: Yes, Sir. This matter is more particularly being considered from day to day in New York by the United Nations and the Afro-Asian group there, by the Advisory Committee on the Congo situation and by the Secretary-General. It is a matter of very great seriousness. Natuarlly, one does not quite know how it may develop; it may very well develop in a very dangerous way. We are in touch with them, and we have expressed our very grave anxiety over all this.

Shri Tangamani: We were told that although Mrs. Rahman's car was stopped, she was not manhandled. I would like to know what steps Government propose to take to recover the articles addressed to Mr. and Mrs. Rahman which have been seized by Col. Mobutu's soldiers?

Shri Jawaharlal Nehru: We are trying to recover them. News has come this morning. But, as I said, it is very difficult to give answers in regard to anything happening in the Congo because conditions there are not only very far from normal, but to some extent, they are fantastic, they are Gilbertian, whatever word you might like to use.

Shri Hem Barua: In view of the fact that we have lodged a complaint with the UNO about the treatment meted out to Indian army personnel as also to other Indians, and in view of the fact that our Defence Minister has recently seen the UN authorities there over these issues, may I know —

what the reaction of the UN authorities is about these incidents, and whether they have been communicated to our Government?

Shri Jawaharlal Nehru: The hon. Member will remember that the other day, two or three days ago, I gave a list of assaults and the like by the Congolese soldiery, which were in respect of not only five or six Indians, but seven, eight or nine nationalities all over the place. They do not distinguish, they hit out whenever they dislike a person apparently. As I said, it is the most extraordinary situation, and those people, not only the local people, those people who sponsor this kind of thing there, have a grave responsibility.

Import Applications

***701. Shri Mahanty:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a heavy bulk of import applications for April-September, 1960 period for machine tools, industrial raw materials and other equipments, considered essential, are pending undisposed; and

(b) if so, the number of such applications and how they are proposed to be disposed of?

The Minister of Commerce (Shri Kanungo): (a) and (b): No, Sir. Out of 90, 937 applications received during April-September 1960, only 457 are pending. The details and break-up are given in the statement laid on the Table of the Sabha. [*See* Appendix II, annexure No. 74].

Shri Mahanty: Out of the 160 applications pending for machine tools, may we know the break-up for the large and small industries?

Shri Kanungo: I have not got the figure, because the capital goods are to be processed through the Capital Goods Committee, and they must have been held up there.

Shri Mahanty: I find in respect of capital goods, 192 applications are pending, and these are essential for manufacture. May I know how it is proposed to dispose of this backlog of applications?

Shri Kanungo: It is not a serious backlog, but then the fact is that the capital goods are scarce in a sense, and because of the scarcity of foreign exchange, priorities have got to be ascertained by a committee for capital goods, and therefore some of them have to lie back and may not be granted as well.

Shri Mahanty: In view of the easing foreign exchange situation as a result of the Finance Minister's visit to foreign countries, may I know whether these backlogs are going to be cleared early?

Shri Kanungo: There is no hope of clearance.

Shri Ranga: How many more months will it take for the Heavy Machinery Committee, the Machine Tools Committee and other committees to come to some decision and dispose of these applications?

Shri Kanungo: The decision has got to be conditioned by the availability of foreign exchange at that moment, and it has got to be rationed among the applicants according to priorities.

Shri Ranga: How is one to interpret it? How many months are covered in that particular moment?

Mr. Speaker: He is not able to say.

Shri Ranga: From september these applications were invited and they are still pending, more than 100 of them. How many more months are they going to take to dispose of these applications Otherwise, how would the private enterpreneurs and others be able to develop any kind of industry at all if there is so much uncertainty about it?

Shri Kanungo: As the hon. Member will see, there are more than 2,000 applications, out of which only 160 are pending, and in several cases they require technical clearance, the development wing has got to certify, and above all, there is shortage of exchange.

Shri Mahanty: Is Government in a position to tell us what the C.I.F. value of all these pending applications will be?

Shri Kanungo: I have not got it. I will collect it for the hon. Member.

Export of Frogs

*702. **Shri Indrajit Gupta:**
Shri Assar:
Shri Koratkar:
Shri P. R. Patel:
Shri Kodiyan:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the possibilities of developing an export trade in frogs' legs are being explored and with which countries;

(b) whether it is proposed to start an industry for preservation and canning of frogs' legs; and

(c) what is the foreign exchange earned by frog export since 1956 to 31st October, 1960, year-wise?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) There is a demand mainly in U.S.A. and to a lesser extent in France.

(b) Government would be prepared to examine the grant of facilities to private entrepreneurs wishing to set up such an industry for export purposes.

(c) Authentic statistics are not available.

12 hrs.

SHORT NOTICE QUESTION

Modern Satgram Colliery

S.N.Q. No. 2. Shri Keshava: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it has come to the notice of Government that grave violence is resorted to in Modern Satgram Colliery and the entire depot is taken possession of by a group of workers who refuse to restore it to the management;

(b) what steps, if any, Government have taken to restore normalcy in the area and restore the depot to its owners; and

(c) how many deaths have taken place from firing?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) Government of West Bengal are taking necessary steps to restore law and order in the area.

(c) None.

Shri Keshava: May I know whether it is a fact that the communist elements who are attached to the AITUC have even now been taking possession of the wagons and trucks and loading them with charcoal of this factory and taking them away?

Shri Abid Ali: That is the report.

Shri S. M. Banerjee: May I know whether it is a fact that after the incident, the hon. Labour Minister recently visited that area, and met the representatives of both the management and the union, and if so, what the result of that meeting is?

The Minister of Labour and Employment and Planning (Shri Nanda): I spent a few hours at that place, and met the workers as well as the representatives of management. Finally, a settlement was made as regards the lines on which the whole dispute is to be settled. Some progress is being made in that direction.

Shri Jhulan Sinha: May I know whether as a result of the lawlessness in the colliery areas in this Satgram colliery, the production of coal has dwindled by almost 90 per cent?

Shri Abid Ali: Yes, the production has gone down considerably.

Shri Tridib Kumar Chaudhuri: May I know the original dispute between the workers and the management which led to this whole trouble developing, and whether those disputes are still pending with Government, or the settlement covers those disputes also?

Shri Abid Ali: This particular trouble did not start because of a dispute between management and workers, but because, as I explained here a few days back, two employees of the company who were working as peons were doing moneylending business, and were collecting interest from the workers to the extent of Rs. 3000 for Rs. 8000 lent. The workers resisted this. The moneylender peons got the support of the AITUC; and organised a union there, and they got considerable strength because of the union organisation, and trouble followed.

Shri S. M. Banerjee: May I know whether it is a fact that 600 workers who were laid-off have now been taken back, and if not, how many are still to be taken back, according to the terms of the agreement?

Shri Nanda: The understanding reached was that if the management has no difficulty regarding reinstating a certain number of workers, they will be immediately given employment; regarding the rest, in respect of whom there is still a dispute, their cases will be settled by conciliation first, and arbitration later on if the dispute still remains unresolved. And this applies to other matters also.

Shri Tridib Kumar Chaudhuri: Which is the union recognised by the management there? May I know whether it is a fact that the leadership of that particular union has been disavowed by all recognised central trade union organisations?

Shri Abid Ali: There is a union called the Modern Satgram Collieries Workers Union, which is recognised by the management. The other union, about which I have just mentioned, which belongs to the AITUC has not been recognised; in fact, it has not yet been registered.

Shri Tridib Kumar Chaudhuri: May I know whether this recognised union is affiliated to any one of the central trade union organisations?

Shri Abid Ali: No.

Shri T. B. Vittal Rao: May I know whether there is a workmen's Protection Act in West Bengal on the lines of the Madras Workmen's Protection Act, which prohibits moneylending and other things?

Shri Abid Ali: Yes, this sort of money lending business is illegal in West Bengal also.

Shri A. C. Guha: In view of the prolonged and serious nature of the trouble going on in the colliery, may I know if the hon. Minister is in a position to say whether the firm owning this colliery has been implementing all the rules and regulations or it also has been violating some rules and there have been some serious cases of violation?

Shri Abid Ali: This management has a comparatively good record of implementing all labour enactments in regard to wages etc. But, recently, some complaints were made by some AITUC people, and these were enquired into and were found to be incorrect.

Shri Keshava: In view of the fact that the depot is a vital link in the operations of this colliery, and the trouble started long ago, may I know whether it is still in the possession of the unruly elements and if so, what steps have been taken to restore the depot to the management?

Shri Abid Ali: Yes, it is a fact that the depot from where coal is despatched is in the possession of these persons who are creating trouble, and therefore, the colliery cannot resume its normal working. The West Bengal Government are taking necessary steps in the matter.

Shrimati Ila Palchoudhuri: May I know whether in view of the difficulty that labour are facing in getting money, there is any kind of a fund from which they can get credit, instead of taking recourse to moneylenders as a result of which all this trouble has started?

Shri Abid Ali: They are having co-operative societies in this area, and more are encouraged by the Coal Mines Welfare Fund Organisation.

WRITTEN ANSWERS TO QUESTIONS

Building Construction Corporation

***682. Shri Ram Krishna Gupta:** Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 531 on the 18th August, 1960 and state at what stage is the proposal for the establishment of a Building Construction Corporation?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The National Buildings Construction Corporation was registered as a Company on the 15th November, 1960 under the Companies Act, 1960.

Training Centre for Shoe Making

***687. Shri Ajit Singh Sarhadi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a training centre for shoe-making etc. is being opened at Agra;

(b) if so, the nature and details of the scheme;

(c) whether it is intended to have such training centres at other places; and

(d) if so, when?

The Minister of Industry (Shri Manubhai Shah): (a) to (d) A statement is placed on the Table of the House.

STATEMENT

(a) Yes, Sir.

(b) The Centre will provide intensive training to Operators in the various processes of footwear manufacture. The training will cover designing, pattern cutting, upper clicking, upper closing, bottom clicking, lasting and making, and finishing. The total non-recurring expenditure is expected to be of the order of Rs. 6.40 lakhs. The number of trainees will be 60 per year

(c) and (d). A Footwear Training Centre has been functioning in Madras since 1957. There is no porposal to open similar Centres in other places for the present.

Chemical Industry

***689. Shri Kodiyan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have any proposal for the manufacture of plants for Chemical industry in India;

(b) if so, the main features of the proposal; and

(c) the expenditure to be incurred in this connection

The Minister of Industry (Shri Manubhai Shah): (a). Yes, Sir.

(b) and (c). Different proposals are being worked out for some schemes in the public sector. Over and above that numerous engineering factories in the country are manufacturing and propose to manufacture large amount of machinery and plants for various chemical industries.

State Trading Corporation

***691. Shri P. C. Borooah:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that licences given to the State Trading Corporation for import of certain items are being transferred in the names of certain parties; and

(b) if so, what are they?

The Minister of Commerce (Shri Kanungo): (a). No, Sir. However letters of authority are issued in favour of Actual Users etc. according to the terms of a license when permissible.

(b). Does not arise.

Employees' Provident Fund Act

***692. Shri P. K. Deo:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Central Board of Trustees of the Employees Provident Fund approached the Central Government to extend the Act to all industries;

(b) at present which are the industries that do not come under this Act; and

(c) what are Government's reactions to the recommendation of the Central Board of Trustees of the Employees' Provident Fund?

The Deputy Minister of Labour (Shri Abid Ali): (a) No; the Board recommended that as many industries as possible should be brought under the Act.

(b) At present 47 industries are covered under the Act Of these 39 are mentioned in the annual report. The remaining 8 are:

1. Mica Factories;
2. Mica Mines;
3. Plywood factories;
4. Automobile repairing and servicing industry;
5. Cane farms owned by sugar factories;
6. Rice milling;
7. Flour milling; and
8. Dal milling.

(c) More industries are covered from time to time.

Small Scale Industries

***693. Shri Damani:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have taken any decision to reorganise various Government departments relating to small scale industries; and

(b) if so, the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The Estimates Committee had made certain recommendations in this regard. They are under consideration of the Government.

हिन्दी में छपाई का काम

***७००. श्री प्रकाश वीर शास्त्री :** क्या निर्माण, आवास तथा संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या हिन्दी में फार्म तथा लेखन सामग्री (स्टेशनरी) छापने के लिये आवश्यक विभिन्न प्रकार के टाइप पर्याप्त मात्रा में सरकारी मुद्रणालयों में उपलब्ध हैं ; और

(ख) यदि नहीं, तो उनकी व्यवस्था करने के लिये क्या कदम उठाये जा रहे हैं ?

निर्माण, आवास और संभरण उपमंत्री (श्री अनिल कु० चंदा) : (क) हिन्दी में फार्मों तथा लेखन सामग्री की छपाई के लिये आवश्यक प्रकार के टाइप भारत सरकार के प्रपत्र (फार्म) मुद्रणालयों में वर्तमान आवश्यकताओं को पूरा करने के लिये पर्याप्त मात्रा में विद्यमान हैं ।

(ख) प्रश्न नहीं उठता ।

D.P.s in Hastinapur

***704. { Shri Ajit Singh Sarhadi:**
Shri Prakash Vir Shastri:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 355 on the 12th August, 1960 and state:

(a) whether any further undertakings have been taken up at Hastinapur for the employment of displaced persons; and

(b) if so, the nature of industries and their employment potential?

The Minister of Industry (Shri Manubhai Shah): The position continues to be the same practically as contained in the reply to Starred Question No. 355 dated 12-8-1960.

Perfumery Industry

***705. Shri Kodiyan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have examined the possibility of starting a perfumery industry in the country based on lemon grass oil;

(b) if so, whether there is any proposal to establish a factory for producing perfumes during the Third Plan period; and

(c) if so, the main details of the proposal?

The Minister for Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir. The matter was examined but it was not considered feasible to establish a factory for producing perfumes based on lemon grass oil.

(c). Does not arise.

Indian Delegation to U.N.

***706. { Shrimati Ila Palchoudhuri:**
Shri Prakash Vir Shastri:

Will the **Prime Minister** be pleased to state:

(a) whether Government's attention has been drawn to a news appearing in the "The Current" of the 5th October, 1960 in regard to the appointment of Miss Joanne Grant as a Stenographer to the recent Indian Delegation to the United Nations;

(b) if so. what are the actual facts of the matter; and

(c) Government's reaction thereto?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a). Government have seen the report which appeared in 'The Current' of the 5th October, 1960.

(b) and (c). During the 14th Session of the General Assembly, a few extra posts of typists etc., as in previous years, had to be created in our Permanent Mission to cope with the additional work of the General Assembly Session. The selection was made by a written test conducted by the Mission. Miss Grant was found suitable and was appointed against one of the posts of typists on the 15th September, 1959. In view of the short-term nature of the employment, it was not found possible to check her antecedents before she was appointed. However. as is customary, the United Nations Secretariat was immediately informed of her appointment by the Indian Delegation. The services of Miss Grant were terminated on the 16th February, 1960 and she has not been re-employed since then.

Code of Discipline

***707. Shri Ram Krishan Gupta:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the public sector undertakings have considered their stand towards the adoption of the code of discipline; and

(b) if so, the result thereof?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The Code of Discipline is already applicable to all public sector undertakings worked as companies and corporations except Defence undertakings, Banks and the Life Insurance Corporation. The Railways have not considered it necessary to adopt the Code as in thier opinion its main objectives are secured through their long established procedures and conventions. The question of applying the Code to the remaining public sector undertakings is being pursued.

Production at Sindri Fertilizers

***708. Shri Tangamani:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the production in the Sindri fertilisers has been kept up to schedule;

(b) what is the production during July, August and September, 1960 compared to corresponding period of the last year; and

(c) what is the estimated production during the year 1960?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a). There has been a drop in production.

(b) and (c). A statement is laid on the Table of the House.

STATEMENT

The production during July—September, 1960 of Ammonium Sulphate, Urea and Double Salt was 71,027, 2265 and 7574 metric tons respectively against 73,730, 1106 and 9645 metric tons during the corresponding period last year.

Ammonium Sulphate	2,95,000 metric tons.
Urea	9,200 metric tons.
Double Salt	34,700 metric tons

हिन्दी में छपाई का काम

***७०६. श्री प्रकाश वीर शास्त्री :** क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) आगामी वर्षों में विभिन्न सरकारी विभागों की ओर से हिन्दी की छपाई का कितना काम निकलेगा क्या इसका कोई कया गया है ;

(ख) क्या उस अनुमान के आधार र सरकारी मुद्रणालयों को हिन्दी में छपाई का काम करने के लिये पर्याप्त मशीनों से सुसज्जित करने की कोई योजना बनाई गई है ; और

(ग) यदि हां, तो वह क्या है ?

निर्माण, आवास तथा संभरण उपमंत्री (श्री अनिल कु० चंदा) : (क) जी हां । मोटे तौर पर अन्दाजा कर लिया गया है ।

(ख) जी हां ।

(ग) यह प्रस्ताव है कि हिन्दी में छपाई का काम करने की योजना के एक अंग के रूप में नई दिल्ली में एक नया मुद्रणालय स्थापित किया जाये और फार्मों की छपाई का काम करने वाले भारत सरकार के मुद्रणालयों में और अधिक उपकरण लगाये जायें ।

Export Target of Tea

***710. Shri P. C. Borooah:**
Shri D. C. Sharma:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the export target for tea has been worked out for the year 1960; and

(b) what steps are being taken to prevent decrease in the sale of tea in the London market?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a). According to estimates prepared sometime ago, exports were expected to reach 480 million lbs. during 1960-61.

(b) An officer has been appointed in London to look after the promotion of Indian tea in the U.K., Ireland and the Scandinavian countries. An Export Promotion Committee has been set up in the Tea Board to watch the progress of tea exports. The Committee is assisted by a special panel for the U.K.

Unauthorised Power Looms

*711. **Shri Yadav Narayan Jadhav:**
Shri Harish Chandra Mathur:
Shri Yajnik:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government have asked the weavers owning unauthorised power looms to pay Rs.500 per power loom as regularization fee;

(b) what is the number of such unauthorized power looms in every State with a break up of individual power looms and in units of more than 4 power looms;

(c) whether it is a fact that Government have received representations to redress the grievances from power loom owners' associations, and

(d) if so, the reaction of Government?

The Minister of Commerce (Shri Kanungo): (a). Yes, Sir.

(b). A statement showing number of unauthorised powerlooms Statewise is placed on the Table of the House. [*See* Appendix II, annexure No. 75.] Information regarding number of individual powerlooms and in units of more than 4 powerlooms is not available.

(c). Yes, Sir.

(d). The points raised in the representations are under the consideration of the Government.

Pakistanis' Fire on Indian Patrol in Poonch Area

*712. **Shri A. M. Tariq:**
Shri Achar:
Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that recently there was an exchange of fire between Indian border police and Pakistani civilians and soldiers at Mandhar in the Poonch area;

(b) if so, whether it is a fact that Pakistanis opened fire first when the Indian border policemen were on patrol; and

(c) whether it is also a fact that infiltration from the Pakistan occupied area of Kashmir has been on the increase for the past few weeks?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). No such incident was reported from the Mandhar area. However, on November, 18, 1960 there was an exchange of fire between Pak|POK troops and our police patrol 11 miles South East Uri. There were no casualties on our side. A cease-fire violation complaint has been lodged.

(c). As infiltration figures fluctuate from month to month, no significance is attached to the slight increase noticed during November.

Open Wells in New Delhi

*713. **Dr. Ram Subhag Singh:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether large number of wells were bored recently in New Delhi to meet the menace of increase in water level of these areas;

(b) whether such wells in Talkatora Road, North Avenue etc. have been left open;

(c) whether there is danger of pedestrians falling into those wells while walking; and

(d) if so, whether Government will make any arrangement to save people from such danger?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a). Yes, Sir, about 100.

(b). No, Sir.

(c). No Sir; the tubes are four inches about the ground level and duly plugged at the top.

(d). Does not arise.

Export of Coconut to U.K.

***714. Shri Indrajit Gupta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a British firm of chocolate manufacturers has expressed its desire to import coconuts from India; and

(b) what action Government have taken in the matter?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a). Government have no information.

(b). Does not arise.

Coir Industry in Kerala

***715. Shri Kodiyan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what was the total amount allotted by the Centre for the development of Coir Industry in Kerala during the Second Five Year Plan;

(b) whether it is a fact that only a small portion of the allotted amount has been spent so far; and

(c) if so, the reasons therefore?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the House.

STATEMENT

(a) No State-wise allotment was made by the Centre for the development of Coir industry for States as a whole for the Second Five Year Plan period. A grant of Rs. 7,03,421 and loan of Rs. 30,39,294 were sanctioned to the Government of Kerala during the first four years of the Second Five-Year Plan. An allocation of Rs. 3 lakhs as grant and Rs. 17 lakhs as loan has been made for 1960-61. Sanctions for 1960-61 will be issued on the basis of actual expenditure by the State Government.

(b). No, Sir. A total expenditure of Rs. 54,87,211 including Central and State share has been incurred by the Government of Kerala during the first four years of the Plan.

(c). The question does not arise.

Chinese Spies in NEFA

***716.** { **Shrimati Ila Palchoudhuri:**
Shri Hem Barua:
Shri B. C. Kamble:
Shri P. G. Deb:
Shri S. A. Mehdi:

Will the **Prime Minister** be pleased to state:

(a) whether Government of India's attention has been drawn to press reports to the effect that one of the two Chinese spies—Jamyang Gyantsen and another—who had been allegedly operating in the Namkha Chu Valley of Kameng Frontier Division of the NEFA, was recently arrested; and

(b) if so, full details of this incident?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Notes exchanged with the Chinese Government in this connection have been included in the White Paper-IV which has already been placed on the Table of the House. There has been no further development.

Second Plan and Broadcasting

***717. Shri Tangamani:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the amount allotted for Broadcasting for Second Plan has been fully spent:

(b) if not, the reasons therefor; and

(c) what steps are being taken for spending the money and maintaining the physical targets?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No, Sir. A shortfall of about Rs. 180 lakhs is anticipated against the allocation of Rupees 8 crores for the development of Broadcasting during the Second Five Year Plan.

(b) and (c). The main reasons for this shortfall are difficulties in getting the requisite foreign exchange for certain major projects, and delays involved in acquisition of sites and buildings. Efforts are being made to expedite completion of the various projects within the Plan period with a view to achieving the physical targets to the extent possible. In view of the situation arising out of the resolution of International Telecommunications Union at Geneva last year, the proposal has been accepted to construct a number of medium wave transmitters throughout the country and it is expected a large part of the shortfall will be absorbed in that project.

Prices of Cotton

***718. Shri Ram Krishan Gupta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Federation of Indian Cotton Mills have requested Government to assist it in acquiring stocks of Indian cotton required by the Industry with a view to check the rise in prices above the ceiling rate and prevent the rush for purchase of indigenous cotton at previous rates; and

(b) if so, the nature of the action taken in this regard?

The Minister of Commerce (Shri Kanungo): (a) No, Sir, but some individual mills have requested the Textile Commissioner for assistance in acquiring stocks of Indian cotton required by them.

(b) The Textile Commissioner has requisitioned cotton within the demands made by the mills.

Indo-China

1253. Shri D. C. Sharma: Will the **Prime Minister** be pleased to state:

(a) how many cases of complaints of irregularities were brought to the notice of (i) Viet-Nam authorities, and (ii) Viet-Minh authorities, by the International Commission for Supervision and Control during the period April, 1960 to October, 1960; and

(b) how many of them were dealt with satisfactorily?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The report of the International Commission for Supervision and Control for the period in question is still under preparation. The *information sought* will only be available on its publication.

Civil Works in Punjab State

1254. Shri D. C. Sharma: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total amount allotted by the Central Government for the civil works in the general pool in Punjab State during the year 1959-60; and

(b) the total amount actually spent on the civil works in Punjab during that period?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) No such allotment has been made.

(b) Does not arise.

Electrical Cables and Wires

1255. Shri Morarka: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing:—

(a) the production of electric cables and wires (ACSR) conductors in 1950-51;

(b) the plan target for the First Five Year Plan, the achievement during the same period together with the financial allocation and the amount actually spent during the First Five Year Plan period;

(c) the target for the Second Five Year Plan period; the achievement made so far, together with the financial alloction under the Second Five

Year Plan and the amount actually spent so far; and

(d) the reason for the shortfall, if any, in achieving the physical targets?

The Minister of Industry (Shri Manubhai Shah): (a) The production of ACSR and A.A.C. conductors during 1950-51 by the firms borne on the Development Wing's list was 1,700 tons.

(b) and (c). The target for ASCR and A.A.C. conductors during the First Five Year Plan *i.e.* for the year 1955-56 was fixed at 5,000 tons and the production during the year was 8,730 tons. The target for the Second Five Year Plan *i.e.* for the year 1960-61 has been fixed at 20,000 tons and the production during the year is estimated at 22,000 tons. Separate figures of Financial allocation and the amount actually spent on this industry during the period of the First and Second Five Year Plans are not available.

(d) Does not arise in view of the position stated against (b) and (c).

Electric Fans

1256. **Shri Morarka**: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing:

(a) the production of electric fans in 1950-51;

(b) the plan target for the First Five Year Plan, the achievement during the same period together with the financial allocation and the amount actually spent during the First Five Year Plan period;

(c) the target for the Second Five Year Plan period, the achievement made so far, together with the financial allocation under the Second Five Year Plan and the amount actually spent so far; and

(d) the reason for the shortfall, if any, in achieving the physical targets?

The Minister of Industry (Shri Manubhai Shah): (a) The production of electric fans during 1950-51 by the firms borne on the list of the Development Wing was 1,94,106 nos.

(b) and (c). The target of production fixed for the First Five Plan was of the order of 3,20,000 to 3,50,000 nos. and the actual production for 1955-56 was 2,87,336 nos. The target for the Second Five Year Plan has been fixed at 9,00,000 nos. The production during the year 1960-61 is estimated at 1,000,000 nos. In addition, there is considerable production in the small scale sector, details thereof are, however, not available. Separate figures of financial allocation and the amount actually spent on this industry during the First and Second Five Year Plan periods are not available.

(d) Does not arise in view of the position stated against (b) and (c) above.

Electric Lamps

1257. **Shri Morarka**: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing:

(a) the production of electric lamps in 1950-51;

(b) the plan target for the First Five Year Plan, the achievement during the same period together with the financial allocation and the amount actually spent during the First Five Year Plan period;

(c) the target for the Second Five Year Plan period, the achievement made so far, together with the financial allocation under the Second Five Year Plan and the amount actually spent so far; and

(d) the reason for the shortfall, if any, in achieving the physical targets?

The Minister of Industry (Shri Manubhai Shah): (a) The total production of electric lamps by the firms borne on the list of the Development Wing during 1950-51 was 14·6 million Nos.

(b) and (c). The target of production fixed for the First Five Year Plan was of the order of 30 million Nos. and the actual production during 1955-56 was 24·23 million Nos. by the firm borne on the list of the Development Wing. The target of production for the Second Five Year Plan has been fixed at 50 million Nos. It is estimated that the production during the year will be 40 million Nos. Separate figures of financial allocation and the amount actually spent for this industry during the periods of the First and Second Five Year Plans are not available.

(d) Due to foreign exchange difficulties for the import of plant and machinery, some of the expansion capacities licensed are likely to materlise in 1961 and so the target of production *viz.* 50 million Nos. may not be fully realised during the year 1960-61.

Dry Batteries

1258. Shri Morarka: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing:

(a) the production of dry batteries in 1950-51;

(b) the plan target for the First Five Year Plan, the achievement during the same period together with the financial allocation and the amount actually spent during the First Five Year Plan period;

(c) the target for the Second Five Year Plan period, the achievement made so far, together with the financial allocation under the Second Five Year Plan and the amount actually spent so far; and

(d) the reason for the shortfall, if any, in achieving the physical targets?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). 136:5 million cells in 1950-51 and 161:5 million cells in 1955-56. The target for 1960-61 has been fixed at 275 million cells and production during the year is estimated to be of the order of 220 million cells. Separate figures of Financial allocation and the amount actually spent on this industry during the periods of the First and Second Five Year Plans are not available.

(d) The reason for the shortfall in achieving the targets may be attributed to the limited availability of flashlight cases, as a result of ban imposed on the import of these. Another reason was that one of the major units manufacturing dry cells was closed. Production of flash light cases has commenced recently and with the increase in production of these, it is expected that the production of flash light cells will also increase.

Storage Batteries

1259. Shri Morarka: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing:

(a) the production of storage batteries in 1950-51;

(b) the plan target for the first Five Year Plan, the achievement during the same period together with the financial allocation and the amount actually spent during the First Five Year Plan period;

(c) the target for the Second Five Year Plan period, the achievement made so far together with the financial allocation under the Second Five Year Plan and the amount actually spent so far; and

(d) the reason for the shortfall, if any, in achieving the physical targets?

The Minister of Industry (Shri Manubhai Shah): (a) Production of storage batteries by the firms borne on the list of the Development Wing during 1950-51 was of the order of 1,94 000 nos.

(b) and (c). The target fixed for storage batteries for the First Five Year Plan was of the order of 4,00,000 Nos. and production during the year 1955-56 was of the order of 2,58,000

Nos. The target for the Second Five Year Plan is 6,00,000 Nos. and the production during the year 1960-61 is estimated at 4 50,000 Nos. In addition there was also considerable production by the units in the small scale sector. Statistics of production in the small scale sector are however not available. Separate figures of financial allocation and the amount actually spent on this industry during the First and Second Five Year Plan periods are not available.

(d) Taking into account the production in the small scale sector, it is considered that the production may perhaps exceed the target fixed for this industry.

Registered Unemployed in Maharashtra

1260. Shri Pangarkar: Will the Minister of **Labour and Employment** be pleased to state:

(a) the figures of the registered unemployed during the last six months in Maharashtra; and

(b) the number of unemployed graduates, intermediates and matriculates registered during the same period?

The Deputy Minister of Labour (Shri Abid Ali): (a)

Month	No. of registrations effected during the month.
1960	
April .	20,852
May	22,430
June .	27,265
July	25,551
August .	22,023
September .	27,146

(b)

Category	No. of registrations effected during*	
	April-June 1960	July-September 1960
1	2	3
Graduates . .	1,658	2,229
Intermediates .	1,084	1,063
Matriculates .	17,355	19,157
Total educated .	20,097	22,449

*The information is collected only quarterly.

Unemployed in Delhi

1261. Shri D. C. Sharma: Will the Minister of **Labour and Employment** be pleased to state:

(a) the comparative figures of the registered unemployed during the third quarter of 1960 in Delhi; and

(b) the number of unemployed graduates, intermediates and matriculates registered during the same period?

The Deputy Minister of Labour (Shri Abid Ali): (a)

Month	No. of registration effected during the month
1	2
1960	
July .	12,158
August .	9,069
September .	6,923

(b)

Category	No. of registrations effected in respect of educated persons during the quarter July-September, 1960*
1	2
Graduates . .	2,040
Intermediates .	1,225
Matriculates .	9,090

*The information is collected only quarterly.

Migration of Hindus from East Pakistan

1262. Shri D. C. Sharma: Will the **Prime Minister** be pleased to sate the number of Hindus who have migrated to India from East Pakistan Since August, 1960

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): 2300 uptill the end of October.

Review of Punjabi Books by A.I.R.

1264. **Shri D. C. Sharma:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) how many Punjabi books were reviewed by A.I.R. in 1959; and

(b) how many of these books were by Indian authors and how many by Pakistani authors?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Thirtyeight.

(b) All the books reviewed were by Indian authors.

Corruption

1265. **Shri Ram Krishan Gupta:** Will the **Prime Minister** be pleased to refer to the reply given to my question during the debate on the President's Address on the 22nd February, 1960 and state:

(a) whether Government have examined one or two cases of corruption received fairly recently; and

(b) if so, the result thereof?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Yes, the cases have been examined but there is no substance in the allegations made.

बर्मा में भारतीय

१२६६. **श्री भक्त दर्शन : क्या प्रधान मंत्री** २५ अगस्त, १९६० के तारांकित प्रश्न संख्या ७८५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) गत विश्व युद्ध में कितने भारतीयों को बर्मा में हानि उठानी पड़ी थी ;

(ख) उन्हें कुल कितनी कीमत की हानि उठानी पड़ी थी ;

(ग) उन में से कितने व्यक्तियों ने भारत सरकार के कहने पर अपने दावे बर्मा सरकार को प्रस्तुत किये ; और

(घ) बर्मा सरकार ने उन पर क्या निर्णय किया ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) आंकड़े सुलभ नहीं हैं ।

(ख) १९४१ में जो कीमतें चालू थीं, उनके अनुसार अनुमानतः १५ करोड़ पौंड स्टर्लिंग की कुल हानि हुई ; इसमें से जो हानि बर्मा-स्थित भारतमूलक लोगों को उठानी पड़ी, वह अनुमानतः लगभग ७ करोड़ ३० लाख पौंड स्टर्लिंग के थी ।

(ग) उनकी संख्या मालूम नहीं है ।

(घ) जहां तक भारत सरकार की जानकारी है, बर्मा सरकार ने अभी कोई निर्णय नहीं किया है ।

उत्तर प्रदेश में अखबारी कागज का कारखाना

१२६७. **श्री भक्त दर्शन : क्या वाणिज्य तथा उद्योग मंत्री** २ सितम्बर, १९६० के अतारांकित प्रश्न संख्या १९७८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि उत्तर प्रदेश में अखबारी कागज के एक कारखाने की स्थापना के निर्णय के बारे में इस बीच क्या प्रगति हुई है ?

उद्योग मंत्री (श्री मनुभाई शाह) : उत्तर प्रहश में प्रस्तावित अखबारी कागज के कारखाने के लिये बनों के कच्चे माल की उपलब्धि के प्रश्न की राज्य सरकार अभी जांच कर रही है । यदि कच्चे माल के साधन पर्याप्त पाये गये तो जिस किस्म का कच्चा माल मिलेगा उसी के अनुसार अखबारी

कागज अथवा साधारण कागज का कारखाना गैर-सरकारी क्षेत्र में स्थापित करने पर विचार किया जायेगा । उत्तर प्रदेश की सरकार ने सूचित किया है कि योजना कमीशन ने राज्य के लिये जो अधिकतम सीमा निर्धारित की है वह विभिन्न कार्यक्रमों की योजनाओं द्वारा पूरी हो चुकी है, इसलिये राज्य के सरकारी क्षेत्र में इस कारखाने के खोले जाने की सम्भावना नहीं है ।

दिल्ली में घरेलू कर्मचारियों का कल्याण

१२६८. { **श्री भक्त दर्शन :**
श्री दी० चं० शर्मा :

क्या **श्रम और रोजगार** मंत्री १८ अगस्त, १९६० के अतारांकित प्रश्न संख्या ९५८ और २ सितम्बर, १९६० के अतारांकित प्रश्न संख्या २०३७ के उत्तरों के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) दिल्ली में स्थापित घरेलू नौकर कल्याण केन्द्र ने इस बीच क्या प्रगति की है ;

(ख) परामर्शदात्री समिति ने इस बीच क्या कार्यवाही की है ; और

(ग) परामर्शदात्री समिति और कल्याण पदाधिकारी की नियुक्ति से घरेलू नौकरों को कहां तक लाभ हुआ है ?

श्रम उपमंत्री (श्री आबिद अली) : (क) घरेलू कर्मचारियों के लिये जो खास काम-दिलाऊ दफ्तर खोला गया है वह काम कर रहा है ।

(ख) सलाहकार समिति की बैठकें समय-समय पर बुलाई जाती हैं । कल्याण और ट्रेनिंग की सुविधाओं की जरूरत पर विचार करने के अलावा इस समिति ने सिफारिश की है कि :—

दिल्ली सामाजिक कल्याण बोर्ड और दिल्ली कांग्रेस रचनात्मक समिति को नियोजकों और खास काम दिलाऊ दफ्तर के बीच घनिष्ठ सम्पर्क बनाना चाहिये और उनमें इस दफ्तर की उपयोगिता के बारे में विश्वास पैदा करना चाहिये ।

(ग) अभी इस बारे में कोई अन्दाजा नहीं लगाया जा सकता ।

श्रमजीवी पत्रकार मजूरी समिति

१२६९. **श्री भक्त दर्शन :** क्या **श्रम और रोजगार** मंत्री १ अगस्त, १९६० के अतारांकित प्रश्न संख्या ४८ और २ सितम्बर, १९६० के अतारांकित प्रश्न संख्या २०३० के उत्तरों के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) अब तक किन-किन समाचार-पत्रों के मालिकों के विरुद्ध श्रम जीवी पत्रकार मजूरी समिति की सिफारिशों को कार्यान्वित न करने की शिकायतें मिली हैं; और

(ख) उन के विरुद्ध क्या कार्यवाही की गई है ?

श्रम उपमंत्री (श्री आबिद अली) : (क) और (ख). समिति की सिफारिशों को अमल में लाने की जिम्मेवारी राज्य सरकारों

निम्नलिखित है :—

आंध्र प्रदेश : वेतन निश्चित करने के बारे में एक शिकायत मिली थी । संबंधित प्रबन्धकों से मुनासिब कार्रवाई हो रही है ।

बिहार : पांच अखबारी संस्थाओं में समिति की रिपोर्ट के अमल में न लाये जाने की कुछ शिकायतें मिलीं । इन के बारे में जांच हो रही है ।

मद्रास : एक अखबार के प्रबन्धकों ने सिफ़ारिशों पर अमल नहीं किया है । कर्मचारियों को

यह सलाह दी गई है कि उनकी जो रकम नहीं मिली है, उस के बारे में सरकार को दरखास्त दे दें ।

पोलीटिकल अफसर, सिक्किम

१२७०. **श्री भक्त दर्शन :** क्या प्रधान मंत्री १२ अगस्त, १९६० के अतारांकित प्रश्न संख्या ६४१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि सिक्किम स्थित पोलीटिकल अफसर (राजनैतिक पदाधिकारी) के कार्यालय में कथित अनियमितताओं के बारे में जो जांच की गई थी उसका क्या परिणाम निकला ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : इस मामले पर अभी हमारे सिक्किम-स्थित राजनीतिक अधिकारी के साथ पत्र-व्यवहार हो रहा है ।

British India Corporation

1271. **Shri S. M. Banerjee:** Will the Minister of **Commerce and Industry** be pleased to state: ,

(a) whether Government have purchased some shares of British India Corporation (now run by Shri H. D. Mundhra);

(b) if so, total value of such shares; and

(c) the circumstances under which these shares were bought?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Government considered it necessary to acquire these shares as the L.I.C. were already holding 7,52,501 shares out of the total equity capital of 65 lakhs shares. The Government had already a large stake in the company. As two out of the four banks agreed to sell their holding it was purchased by the Govermfent and these shares were transferred and registered in the books of the company in the name of the President.

Messrs Cooper Allen and Company

1272. **Shri S. M. Banerjee:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Messrs. Cooper Allen and Company, a British India Corporation concern in Kanpur, is likely to be taken over by Government; and

(b) if so, whether a final decision has since been taken?

The Minister of Commerce (Shri Kanungo): (a) No such proposal is under the consideration of Government.

(b) Does not arise.

Prototype Leather Training Institute

1273. **Shri A. M. Tariq:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1012 on the 2nd September, 1960 and state the progress since made in setting up a Prototype Leather Training Institute and a Fruit Canning Plant, in collaboration with the Yugoslav Government?

The Minister of Industry (Shri Manubhai Shah): Tentative schemes have been prepared for further discussions with the Yugoslav Government.

Paper Mills in Jammu and Kashmir

1274. { **Shri A. M. Tariq:**
Shri Ram Krishan Gupta:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 34 on the 1st August, 1960 and state:

(a) whether the report of the F.A.O. expert regarding the paper mills in Jammu and Kashmir State has since been received by Government;

(b) if so, the main recommendations made by the expert; and

(c) the decisions taken by Government thereon?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) and (c). Do not arise.

Industrial Licences

1275. Shri Shree Narayan Das: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the question of giving priority in the issue of industrial licences to new industries or to existing industries in case of their expansion which promise a certain portion of their products for exports has been considered; and

(b) if so, with what result?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The schemes which are otherwise sound and have an assured element of export potential are given priority in the matter of grant of licences under the Industries (Development and Regulation) Act, 1951.

Orissa Mining Corporation

1276. Shri Chintamoni Panigrahi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the quota of iron ore allotted to the Orissa Mining Corporation by State Trading Corporation in 1958-59 and 1959-60 has been fully supplied;

(b) if so, how much was supplied;

(c) whether the Corporation was allotted any quota for the year 1960-61 so far; and

(d) if so, how much?

The Minister of Commerce (Shri Kanungo): (a) to (d). During the years 1958 and 1959 contracts were placed by the State Trading Corporation with the Orissa Mining Corporation for supply of a total quantity of 70,000 tons of iron ore for delivery upto 31st December, 1960. Of this, 64,649 tons have already been supplied by the Corporation to the S.T.C. A further contract of 50,000 tons of iron ore has been given to the Corporation recently for delivery up to 30th June, 1962.

Colony for D.Ps. in Orissa

1277. Shri Chintamoni Panigrahi: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether any colony for resettling East Pakistan displaced persons was constructed in Anandapur in the district of Keonjhar in Orissa;

(b) whether displaced persons have been resettled there; and

(c) if so, the number of displaced persons resettled?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) to (c). 5 families were settled in Anandapur in the year 1951.

Export of Vegetable Oil and Oilseeds

1278. Shri Ram Krishan Gupta: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1222 on the 22nd August, 1960 and state at what stage is the question of forming a Central Organization for the export of vegetable oil, oilseeds and oilcakes?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): In view of high internal prices of vegetable oils and consequent decline in exports, it was suggested to the trade that they should form themselves into an association which would be in the best position to canalise exports and to take a view of the extent to which and the manner in which incentives should be given to step up the exports. As the trade is averse to the formation of such an export association, the proposal has not been pursued.

Enquiry Report on Calcutta Tramways Strike

1279. Shri Ram Krishan Gupta: Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Unstarred Question No. 943 on the 18th August, 1960 and state:

(a) whether Government have considered the findings of the Tripartite Inquiry into the strike of the Calcutta Tramways; and

(b) if so, the nature of action taken on the findings?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The Report was discussed by the Central Implementation and Evaluation Committee at its 4th meeting held in New Delhi on the 14th October, 1960, but no final decision was taken.

Experts' Hostel at Hatia(Ranchi)

1280. { **Shri R. C. Majhi:**
Shri Subodh Hansda:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the 200 roomed Exports' Hostel at Hatia, Ranchi, will be completed within its scheduled time; and

(b) whether it is a fact that due to the want of suitable accommodation the experts required for the Heavy Industry, Ranchi, are not coming forward?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) No, Sir, foreign experts will be coming to India acording to the time schedules under the various contracts entered into by the Heavy Engineerin Corporation Limited, Ranchi with foreign organisations *viz.*, Prommash export, Moscow and Technoexport, Prague.

Coal Mining Machinery

1281. { **Shri R. C. Majhi:**
Shri Subodh Hansda:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the estimated cost of the siding for the Coal Mining Machinery Project has been worked out; and

(b) whether the Durgapur Industrial Board have agreed to bear the cost of this siding?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The Durgapur Industries Board is constructing a railway siding which will serve a number of industries, the Coal Mining Machinery Project being one of them. The capital cost amounting to Rs. 16 lakhs is being borne by Durgapur Industries Board. The parties using the Railway Siding will share the annual recurring expenditure for the siding which will include depreciation charges and interest on the capital.

Aluminium Smelter at Mettur

1282. **Shri Morarka:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 525 on the 18th August, 1960 and state:

(a) whether the negotiations of technical and financial collaboration with Messrs. Montecatinis of Italy have been finalised for the setting up of the aluminium smelter at Mettur; and

(b) if so, the main terms and conditions?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The sponsors of the scheme have submitted proposals for collaboration with M/s. Montecatinis of Italy, which are under consideration.

Managing Agents

1283. { **Shri Sadhan Gupta:**
Shri Aurobindo Ghosal:
Shri B. Das Gupta:
Shri Hem Barua:
Shri Damani:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many managing agents who were managing more than 10 companies prior to the coming into force of the Companies Act, 1956, have given up management of companies in excess of 10;

(b) how many such companies are being managed by their own Boards and how many have been transferred to other managing agents;

(c) whether any such companies have been transferred to managing agents which belong to the same group as the former managing agents of the said companies;

(d) if so, the number of companies so transferred and the number of managing agents to whom they have been so transferred; and

(e) the steps taken to nullify and prevent such transfers?

The Minister of Commerce (Shri Kanungo): (a) to (e). The number of managing agency companies which were reported to have been managing ten (10) or more companies as on 31st March, 1956 was in all sixteen (16). They had under them a total of three hundred and twenty four (324) managed companies. Of these sixteen (16) managing agency companies, only six (6) continued to have under them ten (10) managed companies each as on 16th August, 1960 and the others less than ten. On that date, out of the said three hundred and twenty-four (324) managed companies, one hundred and thirty (130) companies retained the same managing agents; one hundred and nine (109) companies appointed the same managing agents as secretaries and treasurers; seven (7) companies appointed another body corporate as secretaries and treasurers; fifty-four (54) companies came under the direct management of their respective boards of directors; fifteen (15) companies were either wound up or struck off as being defunct; two (2) companies, being railway companies, were taken over by the Railway Board; and the remaining seven (7) companies were transferred to other managing agency houses.

Of these seven companies, four companies were transferred from one managing agency company to two other managing agency companies (each taking two managed companies) and all these three managing agency houses belonged to the "same group" as popularly understood.

In regard to the question in part (e), it may be stated that the existing provisions of section 332 did not permit of any action being taken against the transfer of some of these companies to the management of other managing agents who though belonged to the "same group", as popularly understood, could not be considered in law to be the same managing agents. The proposed amendment of clause 120 of the Companies (Amendment) Bill, 1959, would prevent managing agency houses belonging to the "same group" from having under them in the aggregate more than ten managed companies.

Facilities for Overseas Indians

1284. **Shri Sadhan Gupta**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether his attention has been drawn to the report of a statement of the Secretary of the Overseas Indians Association, appearing in the daily edition of the *Statesman*, dated the 3rd September, 1960;

(b) whether it is a fact that many Overseas Indians who came with capital from outside had to go back because they did not receive proper facilities; and

(c) if so, the steps, if any, taken to prevent such a thing happening in the future?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) and (c). In the absence of specific instances it has not been possible to verify the position. Normally such difficulties need not arise.

Film "Solving the Problem"

1285. **Shri Subiman Ghose**: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the Films Division has released a film named as "Solving the Problem" for the benefit of the bustee dwellers;

(b) if so, the number of places where it has been exhibited; and

(c) what steps Government have taken for showing the film to those for whim it is meant?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) It is being shown in cinemas all over India.

(c) Besides its being exhibited in cinemas, the film is also being shown extensively in rural as well as sub-urban areas through mobile vans of the Central and State Governments.

श्रीलंका में भारतीय

१२८६. श्री पद्म देव :
श्री डामर :
श्री बी० चं० शर्मा :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) ३१ दिसम्बर, १९५९ को श्री लंका में भारतीय उद्भव के ऐसे कितने लोग थे जिन्हें श्रीलंका की नागरिकता के अधिकार नहीं दिये गये थे ; और

(ख) भारतीय राष्ट्र-जनों को श्रीलंका की नागरिकता अपनाने में क्या कठिनाइयां हैं ?

प्रधान मंत्री तथा वैदेशिक कार्य-मंत्री (श्री जवाहरलाल नेहरू) : (क) श्रीलंका की नागरिकता के लिए श्रीलंका के जिन भारतमूलक लोगों की अर्जियां रद्द की गई हैं, उनकी संख्या ३१ दिसम्बर, १९५९ तक २,००,०६० है ।

(ख) श्री लंका की नागरिकता के लिए अर्जियां भारतीय और पाकिस्तानी निवासी (नागरिकता) अधिनियम [इंडियन ऐंड पाकिस्तानी रेजीडेंट्स (सिटिजनशिप) ऐक्ट] के अन्तर्गत दी जाती है । श्रीलंका के सभी भारतमूलक लोग श्री लंका की नागरिकता के लिए अर्जियां दे सकते हैं और ऐसा करने वाले लोगों के रास्ते में कोई रुकावट नहीं डाली जाती । श्री लंका की नागरिकता प्रदान करना श्रीलंका की सरकार के हाथों में है ।

Techno-Economic Survey of Kerala

1287. **Shri Warior:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a Techno-Economic Survey of the State of Kerala had been conducted; and

(b) if so, whether any report had so far been submitted?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). It is understood that the State Government have arranged for such a survey and that the survey is still in progress.

Import of Raw Cinema Film

1288. **Shri P. K. Deo:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether permission has been given to import raw cinema films this year;

(b) if so, to which firms and how many feet of such films and how much foreign exchange is involved;

(c) whether any price has been fixed at which these films are to be sold to the consumers; and

(d) of these films to be imported, how many feet are black and white and how many coloured?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Three statements giving the requisite information are laid on the Table. (See Appendix II, annexure No. 76.]

(c) The import licences are issued subject to the following condition:

> "That all types of raw films imported are not sold at a price higher than the selling price

> prevailing on 1st January, 1958. Also that the profit margin to be charged in the case of 35 mm. black and white positive film, will not exceed Rs. 10 per roll of 1000 ft. over the landed cost".

(d) The break up of the films allowed to be imported according to black and white and cououred is not specifically available.

Rolling Stock

1289. **Shri Kalika Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of firms at present engaged in producing rolling stock for Railways;

(b) the names of Railway Workshops at present engaged in construction of Railway wagons;

(c) what is the total rated capacity of the firms and Railway Workshops in the production of wagons;

(d) whether the production of wagons is much below the installed capacity; if so, the reasons therefor; and

(e) whether Railway Workshops and Hindustan Steel Ltd. have developed disputes regarding supply of steel and wagons to each other?

The Minister of Industry (Shri Manubhai Shah): (a) (1) M/s. Mckenzie Ltd., Bombay.

(2) M/s Jessop and Co. Ltd., Calcutta.

(3) M/s. Bridge and Roof Co., Ltd., Calcutta.

(4) M/s. India Stand Wagon Co. Ltd., Calcutta.

(5) M/s. Braithwaite and Co. (I) Ltd., Calcutta.

(6) M/s. Arthur Butler and Co., Muzaffarpore.

(7) M/s. K. T. Steel Industries Ltd., Bombay.

(8) M/s. Textile Machinery Corporation Ltd., Belghuriah, Calcutta.

(9) M/s. Burn and Co., Howrah.

(10) M/s. Central India Machinery Mfg. Co. Ltd., Bharatpur.

(11) M/s. Southern Structural Ltd., Madras.

(12) M/s. Raymon Engg. Works, Ltd., Calcutta.

(13) M/s. Hindustan General Industries Ltd., New Delhi.

(b) None.

(c) 23,488 Nos. in terms of 4-Wheelers.

(d) Yes, Sir. The reasons for the shortfall are:—

(a) Matched steel not being available in time,

(b) Changeover to wagons of new design involving preparation and finalisation of new design after test of prototypes and consequent necessity to tool up for the new type of design.

(e) No, Sir.

Automobiles

1290. **Shri Kalika Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of firms of manufacturers and assemblers separately at present engaged in the production of automobiles giving their location, rated capacity and production;

(b) the total capital invested in the automobile industry today as compared to the investment in 1951; and

(c) whether Hindustan Motors and Premier Automobiles have progressed according to schedule fixed for them in 1951?

The Minister of Industry (Shri Manubhai Shah): (a) At present there are no firms engaged merely in assembling work. All the approved manufacturers have a phased programme of manufacture and their particulars are given below:—

Name of manufacturer and location	Licenced on assesed capacity per annum		Production (Jan.–Oct., 60)
		Nos.	Nos.
1. M/s. Hindustan Motors Ltd., Uttarpara, West Bengal.	Cars	10,000	7416
	Trucks and Buses .	6,000	5581
2. M/s. Premier Automobiles Ltd. Bombay.	Cars	7,200	5407
	Trucks and Buses .	7,000	5271
3. M/s. Standard Motor Products of India Ltd., Madras.	Cars	3,000	2694
4. M/s. Tata Engineering and Locomotive Co. Ltd., Jamashedpur.	Trucks and Buses .	12,000	7840
5. M/s. Ashok-leyland Ltd., Bombay	Trucks and Buses .	6,000	1603
6. M/s. Mahindra & Mahindra Ltd., Bombay.	Jeep Vehicles .	5,500	5666
7. M/s. Bajaj Auto (P) Ltd., Bombay.	3-wheeler Light Weight Commercial Vehicles	1,000	733

(b) The total capital (Paid-up) invested in the automobile industry today is about Rs. 30 crores. Information about the investment in 1951 is not available. The investment of four major manufacturers in 1953 was, however, about Rs. 8 crores.

(c) The manufacturing programmes of the automobile manufacturers were approved after the Tariff Commission Report (1953) on the Automobile industry was received. Both M/s. Hindustan Motors and M/s. Premier Automobiles have made considerable progress since then. The report of the *Ad hoc* Committee on Automobile Industry which was published in March 1960 and which also gives the latest review of the progress made by the industry may please be persued for detailed information.

Tea Export from North-East India

1291. Shri M. B. Thakore: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 876 on the 28th August, 1959 and state:

(a) whether there has since been any improvement of tea export from North-east India; and

(b) if so, the details thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) No, Sir.

(b) There has been a decline to the extent of about 46·12 million lbs. upto the end of September, 1960 compared to the corresponding period of 1959.

Export of Films

1292. Shri M. B. Thakore: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the export of Indian films has considerably decreased recently;

(b) if so, the reasons therefor; and

(c) the total number of films exported and the names of the countries to which they were exported during 1957-58, 1958-59 and 1959-60 and the total foreign exchange earned in these years?

The Deputy Minis'er of Commerce and Industry (Shri Sa'ish Chandra): (a) Export of films during January-August, 1960 has improved as compared to the exports in the corresponding period of 1959.

(b) Does not arise.

(c) A statement showing the footage of films exported to different countries and the foreign exchange earned therefrom in 1957, 1958, 1959 and January-August, 1960 is laid on the Table. [*See* Appendix II, annexure No. 77.]

Indians in U.K.

1293. **Shri M. B. Thakore:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that some Indian nationals in U.K. are unemployed, some are employed in India House and some live in a very pitiable condition there; and

(b) if so, the details thereof?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). As far as Government are aware, no general unemployment of workers in the U.K., Indians or others, and therefore no distress, has been reported. Indian nationals are, of course, employed in the Indian High Commission in the U.K. and if they are employed as locally recruited staff they are normally given local rates of pay corresponding to grades in the U.K. civil services.

Aluminium

1294. **Shri Ajit Singh Sarhadi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how far efforts have succeeded to reduce the production cost of aluminium metal in India;

(b) whether smelters with increased capacity have contributed to the reduction in any way; and

(c) if so, to what extent?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Cost of production of aluminium could be reduced only if the following conditions are fulfilled:—

(1) The Plant is an integrated one *i.e.* reduction of bauxite to alumina and refining of alumina into aluminium is done in the same place and is in the vicinity of bauxite deposits.

(2) The plant is of the minimum economic size, *viz.*, 20,000 tons per annum; and

(3) Electric power is made available at cheap rate.

At present the units in the country do not fulfil the first two conditions. Units fulfilling these conditions are expected to go into production during the Third Five Year Plan.

Report of Japanese Handicrafts Expert

1295. **Shri Ajit Singh Sarhadi:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 2 on the 1st August, 1960 and state:

(a) whether the recommendations of the Japanese Handicrafts Expert have been implemented; and

(b) if so, to what extent?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table. [*See* Appendix II, annexure No. 78.]

Naya Nangal Township

1296. **Shri Ajit Singh Sarhadi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total expenditure incurred so far on the construction of the Naya Nangal township attached to the Nangal Fertilizers and Chemicals Limited; and

(b) the further expenditure, if any, proposed to be incurred?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Rs. 259.02 lakhs upto the end of October, 1960.

(b) Rs. 20 lakhs.

Nigeria

1297. **Shri Aurobindo Ghosal:**
Shri B. Das Gupta:

Will the **Prime Minister** be pleased to state:

(a) whether any Indian Delegation was sent to Nigerian Independence Celebrations; and

(b) if so, what was the composition of this Delegation and who led it?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) The delegation was led by Shri A. K. Sen, Minister of Law, and included Shri P. N. Haksar, India's High Commissioner designate to Nigeria, and Shri Rameshwar Rao, M.P. as Members.

Lac

1298. Shri Aurobindo Ghosal: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether lac is exported from India;

(b) if so, what is the quantity exported during last 3 years and the amount of foreign exchange earned; and

(c) whether the export was made through S.T.C. or through private agency?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) The quantity and value of lac exported during the years 1957, 1958 and 1959 were as follows:—

Year	Quantity (Cwts)	Value Rs.
1957 . . .	538,216	7,09,01,392
1958	511,627	5,89,08,414
1959	534,202	6,10,17,789

(c) Through private exporters as well as the S.T.C.

Provident Fund

1299. **Shri Indrajit Gupta:**
Shrimati Renu Chakravartty:

Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Starred Question No. 497 on the 18th August, 1960 and state:

(a) whether the impediments standing in the way of amending the definition of "manufacturing process" in the Provident Fund Rules to cover all contract labour in mines have been removed; and

(b) whether the writ petition in Patna High Court has since been disposed of?

The Deputy Minister of Labour (Shri Abid Ali): (a) Necessary amendment in the Employees' Provident Funds Scheme, 1952 has already been made.

(b) No.

Cashew Shell Oil

1300. Shri Kodiyan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of cashew shell oil produced in the country at present;

(b) how much of this is exported to foreign countries annually;

(c) whether Government have examined the possibility of preparing resins from cashew shell oil; and

(d) if so, whether there is any possibility of starting a cashew shell oil processing factory during the Third Five Year Plan?

The Minister of Industry (Shri Manubhai Shah): (a) 3,000 tons per annum.

(b) Almost the entire production is exported. The total exports during the years 1958, 1959 and 1960 (January-August) were as follows:—

	Qty. in '000' Cwts.	
	Value in '000' Rs.	
Years	Qty.	Value
1958	71	2945
1959	100	4004
1960 (Jan./Aug.)	74	32

(c) Resins based on cashew shell liquid are being manufactured in the country in the private sector.

(d) The industry is to be developed in the private sector. If any party comes up for putting up a plant, Government will encourage such a scheme.

Burmese Pensioners in India

1301. Shri Wodeyar:
Shri S. A. Mehdi:

Will the **Prime Minister** be pleased to state:

(a) whether the Government of Burma have put restrictions on Pensioners who were getting their pensions from the Government of Burma, but are living in India as Indian citizens; and

(b) if so, the action taken in the matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). It is not clear to what restrictions the Hon. Members are referring. Some difficulties had arisen about the Burma Government's income tax in respect of pensions paid to their pensioners residing in India. The exemption which they had enjoyed since 1940 was withdrawn by a Burma Government notification from the 1st October, 1954, a notification which reached Indian Treasuries concerned with the payments in 1957 and later. The question, therefore, arose of retrospective deductions of the Burma income tax. This matter has, however, been temporarily solved by the Burma Government's agreement in principle to authorise payments of current pensions, assessing income tax at scheduled rates, leaving the question of arrears of income tax for adjustment between the two Governments.

Manganese Poisoning

1302. Shri T. B. Vittal Rao: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether any cases of manganese poisoning have been reported from Shivrajpur Manganese Mines, Panch Mahal District, Gujerat; and

(b) if so, whether any preventive measures have been suggested to the management of the Company?

The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra): (a) No.

(b) Does not arise.

U.S. Scholarships to Lama Refugees of Tibet

1303. Shri P. K. Deo: Will the **Prime Minister** be pleased to state:

(a) whether U.S. scholarships have been granted to certain Lama refugees of Tibet now at Darjeeling to prosecute studies in U.S.A.;

(b) the studies they are supposed to make in U.S.A.;

(c) the reason for selecting these Lamas; and

(d) whether the concurrence of the Government of India was sought in this regard?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). The Rockefeller Foundation provided a grant for the encouragement of Tibetan studies at the University of Washington, and a programme was drawn up by that University to carry out a linguistic analysis of the Tibetan language and to do research in Tibetan religious and social subjects. For that purpose the University needed the services of qualified Tibetan Lamas, and a Professor of the said University visited India and selected three Tibetan Refugee Lamas who were staying at Darjeeling and Kalimpong. In order not to disrupt their family life, the University decided to invite their families as well *i.e.* 10 persons in all. Their visit to the Washington Univirsity will last for three years in the first instance. They will be in immediate contact with the scholars and teachers of Tibetan in the University and they are required to provide accurate and detailed information about Tibetan religious doctrine, way of life, thought, etc.

(d) Yes, Sir.

Indians in Tibet

1304. Shri Daljit Singh: Will the **Prime Minister** be pleased to state the number of Indian Nationals in Tibet at present?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): According to reports available with Government about 200 Indian nationals are still residing in Tibet.

Damage to Government Buildings by Floods

1305. Shrimati Ila Palchoudhuri: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the extent and nature of damage caused to Government of India buildings and other properties in areas affected by floods in India during this year (1960) as compared to in 1959; and

(b) the nature of steps taken or proposed to be taken in regard thereto?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) The extent of damage to Government of India buildings and properties, maintained by the C.P.W.D., was as follows:

	Property	Damage
1959 .	Buildings and other property in N.E.F.A.	about Rs. 90,000
	Accessories issued to the staff in South Tunnel Division, Banihal.	Rs. 64/-
1960 .	Buildings and other property in N.E.F.A.	about Rs. 30,000
	Deterioration of 240 bags of cement and minor damage to buildings in Lucknow.	
	Deterioration of 165 bags of cement at Suratgarh.	
	The quarters of the Central Dairy Research Institute and the compound of the Income Tax office building at Lucknow were flooded.	

(b) Replastering of walls upto the height of flood water, repainting of doors and other necessary repairs are proposed. Estimates for these works are under preparation.

Survey of Carpet Industry

1306. Shri Ram Krishan Gupta: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 663 on the 12th August, 1960 and state:

(a) whether the survey of the carpet industry in the country has since been completed; and

(b) if so, the details of the survey report?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). No, Sir.

Export of Mangoes

1307. Shri Koratkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) what is the foreign exchange earned by the Government of India by the export of Mangoes during 1958-59 and 1959-60; and

(b) whether there is any special effort made by the Government of India to promote the production and export of Mangoes?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The foreign exchange earned by the export of mangoes during the years 1958-59 and 1959-60 was Rs. 10 lakhs, and Rs. 11·5 lakhs respectively.

(b) No specific steps have been taken for the purpose.

C.P.W.D. Employees

1308. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of employees of the Central P.W.D. whose services were terminated in connection with the Central Government Employees strike of July, 1960 according to each station;

(b) the number of them who have been taken back on duty;

(c) the number of employees who were suspended in the same connection according to each station; and

(d) the number of them who are still under suspension?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Delhi-3.

(b) 2.

(c) Delhi-3.
Bombay-2.
Bhubaneshwar-4.
Calcutta-15.
Dum Dum-11.
Chakulia-17.

(d) Nil.

Public Sector

1309. Kumari M. Vedakumari: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government propose to examine some proposals or schemes for the reorganisation of the top management of the public sector projects;

(b) if so, what are the details of the scheme proposed; and

(c) when it will be implemented?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). These questions are under constant review.

Modern Satgram Colliery

1310. Shrimati Renuka Ray: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that there has been some illegal money lending by some of the workers at the Modern Satgram Colliery in Asansol;

(b) whether any union of workers is involved in this;

(c) whether any action has been taken so far at the discovery of illegal transactions which led to serious clashes between two groups of workers; and

(d) if so, what steps Government are taking to effectively stop such illegal extortion by money-lenders and their collaborators?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Some peons of Modern Satgram collieries have been lending money to workers at exhorbitant rates of interest. It is reported that when the management chargesheeted them they tried to organise a union with the help of local AITUC-leaders to safeguard their interest. On 4-10-1960 one worker was mercilessly beaten by one of these money-lenders *cum* organisers of the union and his pay packet was snatched away when he implored for the postponement of recovery of interest as his wife was ill. The workers resented the incident and the management took action against some money-lenders and their helpers. One of the money-lending peons was arrested for the assault. Since then the AITUC-union leaders and their supporters have been indulging in violence and lawlessness resulting in breach of peace and dislocation of work.

(c) and (d). The management have dismissed two peons who were doing business of money-lending. Illegal money-lending is an offence under the Bengal Money Lenders' Act 1940.

Violation of Cease-Fire Line

1311. **Shri Subiman Ghose:** Will the **Prime Minister** be pleased to state:

(a) how many times Pakistan has violated the cease-fire line in Kashmir from June, 1959 to June 1960;

(b) the number of persons killed and injured; and

(c) what preventive steps have been taken in the matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) 57 times.

(b) 5 persons were killed and 19 injured.

(c) Every practicable step was taken to protect the cease-fire line. This is clear from the fact that casualties suffered by PAK|POK intruders in encounters with our ambush parties were 28 killed and 11 injured, apart from 241 infiltrators being apprehended.

Small Scale Industries in Rampur

1312. **Shri S. A. Mehdi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any assistance has been given to Industries in Rampur by the Small Scale Industries Service Institute; and

(b) if so, the details of the assistance given to individual firms in Rampur for the period from 1st September, 1959 to 30th November, 1960?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table. [*See* Appendix II, annexure No. 79.]

Industrial Plastics

1313. **Shri Kunhan:** Will the Minister of **Commerce and Industry** be pleased to state whether Government have any schemes to utilise coconut fibre and coconut shells as raw materials to establish a factory for industrial plastics?

The Minister of Industry (Shri Manubhai Shah): No, Sir.

New Headquarters of NEFA

1314. **Shrimati Mafida Ahmed: Will** the **Prime Minister** be pleased to state:

(a) whether it is a fact that plans are afoot for the construction of the new Headquarters of NEFA at Yacholi in Subansri sub-division;

(b) if so, the estimated cost of the project; and

(c) when it is likely to be completed?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). A number of places have been considered as possible sites for locating the Commissioner's office in the interior of NEFA. Yacholi near Ziro in the Subansiri Frontier Division has been tentatively selected but the matter is still under detailed examination by the experts who will also work out the estimated cost of the project. It is too early at this stage to give any indication as to when the project is likely to be completed.

Slum Clearance in Calcutta

1315. **Shri Aurobindo Ghosal:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Central Government have sanctioned any amount for the slum clearance in Calcutta for the years from 1955-56 to 1959-60; and

(b) if so, what is the amount and what progress has been made in this connection?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b). The Slum Clearance Scheme was introduced in May, 1956. Out of Rs. 380 lakhs, upto which slum clearance projects can be sanctioned in West Bengal during the Second Plan period, two projects of the approved cost of Rs. 71.04 lakhs for construction of 1184 houses were sanctioned for Calcutta in October, 1957. The Government of West Bengal have intimated that they have since sanctioned in August, 1960, three more projects of the estimated cost of Rs. 49.40 lakhs for construction of 688 houses in Calcutta, while a few more projects are under their consideration. According to the progress reports received from State Government upto 30th September 1960, 660 houses had been completed while another 172 were under construction against the sanctioned projects.

Sale of Cement

1316. **Shri Aurobindo Ghosal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether cement is sold through approved dealers;

(b) if so, whether cement is regularly supplied to them; and

(c) whether it is sold at a controlled rate?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir. The approved dealers are the Cement Stockists appointed by the Selling Agents of the State Trading Corporation.

(b) It is for the Selling Agents to ensure regular supplies of cement to their stockists on the basis of the area-wise requirements of cement indicated by the State Government.

(c) Yes, Sir. Under the Cement Control Order, 1958, the price at which cement can be sold in a State by dealers other than the State Trading Corporation is fixed by the State Government. The price at which cement can be sold by the Corporation has been fixed by the Cement Control Order.

Meter Manufacturing Factory

1317. **Shri Aurobindo Ghosal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the meter manufacturing factory set up in Chandigarh has gone into production; a

(b) if so, what is the number of meters produced per month and the compartive price of imported meters?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) Does not arise.

Radio Programmes of Gujarat Stations

1318. **Shri K. U. Parmar:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Government have received any complaints that the standard of All India Radio programmes of Ahmedabad and Rajkot Stations has gone down considerably; and

(b) if so, what action Government proposed to take to keep the standard high?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Like every other station, the Ahmedabad and Rajkot stations of A.I.R. also receive from time to time stray compaints either about programmes are sometimes persons. Excepting the complaint preferred by the Hon'ble Member who has put the question, no other serious complaint was received.

(b) Complaints are always immediately looked into. In this case also, they were fully considered. As far as programmes are concerned, it was found that there is no fall in the standards of the programmes in both the stations.

Radio Station at Varanasi

1319. Shri Kalika Singh: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) what is the estimated installed capacity in terms of Kilowatt-hours, of the proposed Radio Station at Varanasi;

(b) if set up, will the Radio Transmitting set at Varanasi be short-wave or medium-wave; and

(c) what is the estimated cost of Varanasi Radio transmitter?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). In the plan of setting up additional medium wave transmitters, it is proposed to set up a medium wave relay transmitter at Varanasi. No studios are intended to be established at this centre. The exact power requirements and other particulars are at present being finalised and it is expected to settle them shortly.

(c) Rupees 10 lakhs approximately.

Export Promotion Directorate

1320. Shri Ram Garib: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that there are a good number of posts in the Export Promotion Directorate which are not included in the Central Secretariat Service Schemes;

(b) if so, how the recruitment to these posts is made;

(c) whether such posts are given wide publicity in the Press or otherwise through circulars to get suitable persons; and

(d) if so, how many posts were filled in the Directorate in the past two years and how?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) Most of the posts are at present filled by deputation of suitable Officers of the various Services. Some of the Class II (Non-Gazetted) and Class III posts have been filled by direct recruitment of suitable persons.

(c) and (d). Since most of the posts have been filled by departmental transfers, they have not so far been advertised in the Press. This is a temporary measure adopted for such time as the method of recruitment of the different posts is settled in consultation, where necessary, with the Union Public Service Commission.

Labour Officers in C.P.W.D.

1321. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of Labour Officers in the Central Public Works Department;

(b) their jurisdiction and their functions;

(c) whether they can attend to grievances of workers brought to their notice by registered Trade Unions and correspond with them on such matters; and

(d) if not, the reasons therefor?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Nine.

(b) A statement indicating the jurisdiction of the Labour Officers in the C.P.W.D. is laid on the Table. [*See* Appendix II, annexure No. 80]. The Labour Officers act as Welfare Officers in respect of departmental Labour employed on work-charged establishment as well as labour employed by contractors. They also act as the liaison officer for the maintenance of harmonious relations between the department and the labour engaged on the works carried out by the C.P.W.D. Their duties are prescribed in details in the Recruitment and conditions of service rules for Labour Officers (Central Pool) of the Labour Ministry.

(c) and (d). Yes. They attend to the grievances of all employees brought to their notice by the individual employees or by any registered trade union but cannot correspond with any unrecognised Unions on matters relating to workcharged establishment. In respect of contractor's labour, registered trade unions have been permitted to represent their cases in any investigation or enquiry conducted by the Labour Officers under the C.P.W.D. Contractor's Labour Regulations.

So far as the Workcharged Staff is concerned, the Labour Officers are working only as Labour Welfare Officers. The Department does not normally correspond with the Trade Unions unless they are recognised. The Labour Officers being also Departmental officers are not, therefore, authorised to correspond with any unrecognised trade unions.

Quarters for Workcharged Staff of C.P.W.D.

1322. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of class IV quarters for workcharged staff of Central Public Works Department in Delhi;

(b) their distribution among various Divisions;

(c) whether there are any rules for allotment of these quarters; and

(d) if not, the reasons therefor?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) The number is approximately 2312 residential units;

(b) A statement is laid on the Table. [*See* Appendix II, annexure No. 81].

(c) Yes;

(d) Does not arise.

Transfer of Work from C.P.W.D. to N.D.M.C.

1323. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that the maintenance work of certain roads and buildings of the Central Public Works Department has been transferred to the New Delhi Municipal Committee;

(b) if so, which are those works and the number of workers according to each category of post, who have been affected by such transfer; and

(c) what steps have been taken to safeguard the conditions of service of the workers who have been affected?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b). The maintenance of the roads and buildings belonging to the C.P.W.D. is done by the C.P.W.D. themselves. No such roads and services have been transferred to the N.D.M.C. But prior to the year 1958, the Service Division of the C.P.W.D. was maintaining certain roads and services of the N.D.M.C. Such works were treated as Deposit Works. In the year 1958, the N.D.M.C. started maintaining the roads and services in their charge themselves. A list showing the number and category of staff transferred to the N.D.M.C. is laid on the Table. [*See* Appendix II, annexure No. 82].

(c) Workers transferred to the N.D.M.C. were to be given an option to come back after one year or to continue in N.D.M.C. on such terms as might be offered by the N.D.M.C. In the event of their coming back to C.P.W.D. they would be considered for absorption in the Circle from which they were transferred provided that their juniors in the Work-charged Establishment of that circle are in position at that time.

Transfer of Horticultural Works from C.P.W.D. to N.D.M.C.

1324. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that it has been decided to transfer the maintenance of certain horticultural works of the C.P.W.D. to the New Delhi Municipal Committee;

(b) if so, which are those works and the number of workers, according to each category of post, who are affected by such transfer; and

(c) if so, when is the actual transfer taking place?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) The matter is under consideration.

(b) and (c). Do not arise.

Transfer of Electrical Works from C.P.W.D. to D.M.C.

1325. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to part (d) of Starred Question No. 1388 on the 19th March, 1959 and state:

(a) which are those electrical works of the C.P.W.D., which are being transferred to the Municipal Corporation of Delhi and the number of workers according to each category of post who would be affected by such transfer; and

(b) what steps have been taken to safeguard the conditions of service of the workers who are affected by such transfer?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Two statements furnishing the required information are laid on the Table. [*See* Appendix II, annexure No. 83].

(b) The permanent workcharged staff are being given an option either to be transferred to the Municipal Corporation or to remain in the C.P.W.D. Those opting to remain in the C.P.W.D. will be absorbed in the department to the extent possible.

The non-permanent workcharged staff are being given the required notice of termination of service and simultaneously are being informed that they might join the Municipal Corporation, if they so desire.

The workcharged staff accepting employment under the Municipal Corporation will be subject to the terms and conditions of service as approved by the Corporation.

Export of Sports Goods

1326. Shri Ram Krishan Gupta: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to revise incentive scheme for export of sports goods; and

(b) if so, at what stage the scheme is?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) The revised scheme is expected to be announced shortly.

Re-plantation of Tea Areas

1327. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any decision has been reached on the Central Tea Board's resolution for the provision of Rs. 15 crores of loan for re-plantation and replacement of old tea areas during the Third Five Year Plan period; and

(b) if so, the details thereof?

The Minister of Commerce (Shri Kanungo): (a) and (b). The Tea Board's scheme aiming at loan assistance for replantation and replacement of old tea areas during the Third Five Year Plan period and other proposals in this regard are under the consideration of Government.

Hire Purchase Scheme of Tea Machinery

1328. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of applications received by the Tea Board so far from the industry under the Hire Purchase Scheme of tea Machinery;

(b) what action has been taken on these applications;

(c) whether the allocation of Rs. 2 crores has been fully utilised; and

(d) if not, the reasons therefor?

The Minister of Commerce (Shri Kanungo): (a) 131 applications were received by the Tea Board within the last date stipulated *viz.* 31-8-1960 20 more applications have been received after the last date.

(b) 60 applications have so far been scrutinised. 11 of them have been fully accepted. In 36 cases further information and documents have been called for. In 13 cases spot inspection is being arranged.

(c) and (d). No expenditure has actually been incurred so far because suppliers have not yet supplied any machinery.

Assistance to Displaced Political Sufferers

1330. Shri B. Das Gupta:
Shri Aurobindo Ghosal:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Unstarred Question No. 2323 on the 7th September, 1960 and state:

(a) what are the main reasons for rejecting 187 applications for assistance by political sufferers from East Pakistan; and

(b) whether any assistance, other than monetary grant, has been given, *viz.* assistance to Housing or to Industrial Co-operative Societies managed by the displaced political sufferers; appointment in services; educational and maintenance assistance for their wards etc?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) The main reason for rejecting these applications was that the applicants had already received assistance from the Government and did not deserve further consideration.

(b) The following types of assistance are given to displaced political sufferers from East Pakistan in deserving cases:

(i) Loan for the purchase of homestead land.

(ii) House-building loan.

(iii) Business loan.

(iv) Maintenance grant.

(v) Financial assistance for the education of children.

12·08 hrs.

MOTION FOR ADJOURNMENT

PROPOSED RETRENCHMENT OF WORKERS IN BHILAI STEEL PLANT

Mr. Speaker: I have received notice of an adjournment motion to discuss the following:

> "The proposed retrenchment of nearly 16,000 workers from the Bhilai Steel Plant from the 6th December, 1960.".

May I know from the hon. Minister what the position is?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): The hon. Member is apparently referring to the workers who are engaged on construction work. This fact has to be faced that when construction comes to an end, they become surplus. Therefore, their retrenchment is not a retrenchment which can be avoided, but it is a part of the construction programme itself. Those workers who have been engaged on construction know that they are engaged for construction work, and when the construction comes to an end, they have to go. In spite of that, everything is, however, being done to give them whatever retrenchment benefits there may be. Efforts are also being made to suggest their names to other organisations, so that they might be utilised elsewhere. But I do not know what more we could discuss, because construction workers, are, after all, construction workers, and we cannot carry construction workers, after the work is finished, on our rolls, and we cannot take them to another State either because whenever any new project starts, the expectation is that people of that vicinity should find employment. We cannot carry thousands of workers from one project to another and thus deprive the workers of the new project area of the expectation of their being employed in the new project. That is the position.

Shri S. M. Banerjee (Kanpur): The reason why I gave notice of this adjournment motion was this. I know that these are not contract labour. My information is that—I say this subject to correction— . . .

Mr. Speaker: Are they construction workers employed on construction work, or are they for the running of the machinery?

Shri S M. Banerjee: My information is that, out of these 16,000 people, most of them, about 9,000 or so, are departmental labour; and they are not unskilled, but semi-skilled and skilled also. I want to know whether the hon. Minister has got any break-up of the contract labour who are going to be retrenched from 6th December, 1960 and the departmental labour who are going to be provided with alternative jobs. This is a serious matter.

Mr. Speaker: The main point is different. I ask the hon. Member, if he undertakes the construction of his house or puts up some machinery, even though the construction work is over, will he still continue those people he had engaged for the construction work?

Shri S. M. Banerjee: They are mostly departmental workers.

Mr. Speaker: I would like to know one thing from the hon. Minister. Out of these 16,000 workers, are there any who are skilled and can otherwise be employed in any of the other industries there? Or are they merely construction workers?

Sardar Swaran Singh: All the construction workers who are leaving now are engaged on construction. They were employed for construction. It is true that some of them are departmental employees; some are contractors' employees. A construction department was organised to undertake certain work departmentally and some work was given out to contractors. But the essential point, as you were pleased to mention a moment ago, is whether, irrespective of

[Sardar Swaran Singh]

whether they are departmental employees or contractors' employees, they were engaged for construction work as such. It is a fact that amongst these employees some of them are skilled, some semi-skilled and some absolutely unskilled. The expression 'skilled', for instance, would be a comparative expression. For instance, take a blacksmith or carpenter or welder. They are skilled workers in a sense, but they are essentially construction workers. Some of them will be picked up; some of them have already been picked up for maintenance or other work of a permanent nature which has to be continued there.

But I would like to inform this hon. House that many construction workers, because of the higher wages that they normally get for construction work, are not always interested in working on the operational side. They are not trained for that type of work, and with the huge construction activity that is going on in the country, they always find it suitable to shift from one project to another and thus continue to earn that higher wage, which is the privilege of construction workers. So there is absolutely nothing abnormal in this. It takes place in the normal course.

Shri Braj Raj Singh (Firozabad): May I make a suggestion to Government? The Government are going to have a Building Construction Corporation. Could these people, who are departmental people, not be employed there in that Corporation?

Mr. Speaker: All these suggestions can be made. The point is admitted and it is clear that all these 16,000 and odd workers, whether they are contract workers or departmental workers, were engaged for the purpose of construction. They would not be dispensed with unless and until the construction work is over. That is in the interest of the Government themselves. There may be a surplus. They may be skilled in a particular job, *e.g.* brick-laying, masonry etc. But they may not be necessary for running the plant. Therefore, it is left to Government to keep them or not. Of course, a question was put. I only wanted to elicit some answer. I do not think this Hon. House can advise Government to go on maintaining 16,000 people without work or put up another 'Bhilai' plant for giving work to them tomorrow. There is no meaning in this.

In view of this, I withhold my consent to the adjournment motion.

12.14 hrs.

PAPERS LAID ON THE TABLE

RESOLUTION RE: CEMENT PRICES AND THE REPORTS OF TARIFF COMMISSION

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table:

(1) A copy of Government Resolution No. Cem-8(5)/60 dated the 20th October 1960, making a reference to the Tariff Commission to review the fair ex-works prices payable to the cement producers. [*Placed in Library, See* No. LT-2496/60].

(2) A copy of each of the following papers under sub-section (2) of section 16 of the Tariff Commission Act, 1951:—

(i) Report (1960) of the Tariff Commission on the continuance of protection to the Sheet Glass Industry;

(ii) Government Resolution No. 14(1)-TR/60 dated the 23rd November 1960.

(iii) Statement explaining the reasons why a copy of each of the documents at (i) and (ii) above could not be laid on the Table within the period prescribed in the said sub-section. [*Placed in Library, See No.* LT-2497/60].

(iv) Report (1960) of the Tariff Commission on the continuance of protection to the Plywood and Teachests industry.

(v) Government Resolution No. 28(1)-T.R./60 dated the 30th November 1960. [*Placed in Library,* See. No. LT-2498/60].

12.14½ hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 1st December 1960, agreed without any amendment to the Employees' Provident Funds (Amendment) Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 14th November 1960".

(ii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Repealing and Amending Bill, 1960, which has been passed by the Rajya Sabha at its sitting held on the 1st December 1960".

12:14¾ hrs.

REPEALING AND AMENDING BILL

AS PASSED BY RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the Repealing and Amending Bill, 1960, as passed by Rajya Sabha.

12.15 hrs.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I lay on the Table following two Bills passed by the Houses of Parliament during the current Session and assented to by the President since a report was last made to the House on the 14th November 1960:—

1. The Indian Aircraft (Amendment) Bill, 1960.
2. The Indian Museum (Amendment) Bill, 1960.

12:15¼ hrs.

MOTOR TRANSPORT WORKERS BILL

REPORT OF JOINT COMMITTEE

Shri Mulchand Dube (Farrukhabad): I beg to present the Report of the joint Committee on the Bill to provide for the welfare of motor transport workers and to regulate the conditions of their work.

12.15½ hrs.

PREFERENCE SHARES (REGULATION OF DIVIDENDS) BILL

REPORT OF SELECT COMMITTEE

Shri Mulchand Dube (Farrukhabad): I beg to present the Report of the Select Committee on the Bill to regulate dividends on preference shares of certain companies.

12.15½ hrs.

MOTOR TRANSPORT WORKERS BILL

EVIDENCE BEFORE JOINT COMMITTEE

Shri Mulchand Dube (Farrukhabad): I beg to lay on the Table a copy of the evidence given before the Joint Committee on the Motor Transport Workers Bill, 1960.

12·16 hrs.

STATEMENT *RE*: INCIDENTS NEAR GURDWARA RAKABGANJ

Mr. Speaker: There is a 'Calling Attention' notice. Shri P. G. Deb—He is absent. What can be done?

An Hon. Member: The answer may be laid on the Table.

Mr. Speaker: If the hon. Home Minister has no objection, he can lay it on the Table.

The Minister of Home Affairs (Shri G. B. Pant): I beg to place it on the Table.

STATEMENT

In commemoration of the martydom of Guru Teg Bahadur, the Gurdwara Prabandak Committee of Delhi organised a dewan at Gurdwara Rakabganj on the 24th November, 1960. Earlier the local Akali leaders had announced their intention to take out a procession from the Gurdwara towards Parliament House in order to make a demonstration before Parliament. As this was in contravention of orders passed under Section 144-Cr. P. C. prohibiting processions and demonstrations without permission in the vicinity of Parliament House, the local authorities has taken measures to deal with the unlawful procession, should it be taken out. From early morning of the 24th November, a large number of persons collected near the walls of the Gurdwara on Queen Mary Avenue and begain shouting highly provocative and vulgar solgans. Some Akalis continuously incited the demonstrators by shouting solgans from inside the Gurdwara and the solgans were relayed over loudspeakers. At about 1:45 P.M. a large number of demonstrators came out of the Gurdawara gate and crowded the sides of Queen Mary Avenue. They continued to shout provocative solgans and to behave in a vulgar manner. The police officers on duty requested the demonstrators to clear the pavements but instead of complying with these directions, some of the demonstrators threw sand into the eyes of the police personnel. A little later, a jatha of 21 Akalis led by a proclaimed offender pushed forward in the direction of Parliament House in an attempt to force through the police cordon. They were followed by a large number of other demonstrators. The police arrested 26 persons including the leader of the jatha. The demonstrators then became violent and started throwing boulders, brickbats, stones pieces of glass, broken furniture and other missiles at the police. The police personnel on duty continued to act with considerable restraint though a large number of them had been injured. The demonstrators continued to throw missiles at the police and to commit acts of extreme provocation and obscenity in spite of repeatedly being warned by the Magistrates and police officers on duty to desist from their unlawful behaviour. At about 3.45 P.M. a large body of demonstrators suddenly surged forward in an attempt to take out the projected procession towards Parliament House. Attempt was made by the police to hold them back. This was again met with a prolonged shower of missiles. The Additional District Magistrate on duty repeatedly warned the demonstrators to desist from their violent acts failing which he would be compelled to order the use of force to disperse them. All these warnings went unheeded and as the violence did not abate, the Additional District Magistrate declared the assembly unlawful and ordered to disperse. As this did not have the desired effect, the Additional District Magistrate directed the police to disperse the unlawful and violent assembly by using tear-gas. This resulted in the demonstrators falling back for a while. They, however, returned in large numbers and resumed throwing stones and other missiles at the police. Tear-gas had to be used again until the demonstrators finally withdrew and stopped throwing missiles. Throughout this violent demonstration, the police acted with commendable restraint. 86 officers and men on duty including the Deputy Commissioner, the Deputy Inspector-General of Police and the Superintendent of Police and the Additional District Magistrate received injuries. In all 61 demonstrators were arrested. It is apparent that the demonstrators had planned in advance to use force and to attack police personnel on duty. This is evident, from the large quantities of boulders, stones, brickbats and other missiles that were used by the demonstrators and the plentiful supplies of water that were kept ready by them to counteract the effect of tear-gas. I am sure that all sections of the House will join me in condemning such acts of violence and hooliganism. Cases have been registered against the demonstrators and are under investigation.

12.16½ hrs.

STATEMENT *RE*: DISCUSSIONS BETWEEN THE CENTRAL GOVERNMENT AND GOVERNMENT OF WEST BENGAL REGARDING TRANSFER OF BERUBARI TO PAKISTAN

Mr. Speaker: The hon. Prime Minister.

Shri Nath Pai (Rajapur): On a point of order. When the House was discussing the admissibility of an adjournment motion relating to Berubari, you were pleased to remark:

> "Under the Constitution, this House is not entitled to go into the kind of advice that is given by the Ministers to the President".

Article 74(2) of the Constitution reads like this . . .

Mr. Speaker: What is the point he wants to make?

Shri Nath Pai: I am adumbrating it.

Mr. Speaker: Let him hear me. Then I will allow him to raise his point. I have ruled—and it is part of the Rules now—that a point of order must relate to a matter which is immediately before the House. A point of order does not arise, as I have been saying, in a vacuum. Nobody is entitled to raise a point of order in this House unless the matter is such that if the point of order were accepted by me, no further proceedings relating to that matter could go on. I said something that day. He can move me to consider this matter. I will hear both sides and if there is a point of law arising and requiring further elucidation, I will certainly hear them. But so far as this is concerned, it is an independent matter. It might have arisen somewhere. A statement might have been made, but it has nothing to do with Berubari.

Therefore, he can write to me that there is such and such point to be discussed on the floor of the House concerning which I should revise my decision regarding a particular matter which is raised by way of a point of order and so on. It can be brought to my notice. Then I will also come prepared.

Shri Nath Pai: The reason why I did not raise it then is that it required a study of the matter.

Mr. Speaker: It also requires study on my part.

Shri Nath Pai: This is the first opportunity after Friday to raise it. I was only going to adumbrate it; I was not going to demand a ruling immediately.

Mr. Speaker: All that I am saying is this. He does not want to state anything before the House without studying. I hope he does not expect me to give answers without studying.

Shri Nath Pai: I am only adumbarating by point.

Mr. Speaker: He must have written to me and I would have come prepared. Now I will take notice of it. As early as possible he can write to me and I shall look into the matter. If it requires revision, I shall certainly do so.

Shri Hem Barua (Gauhati): On a point of clarification . . .

Mr. Speaker: Order, order. He will also write to me.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, two or three days ago, when the House was meeting last, the question of Berubari came up, and I promised to make a statement in regard to the various matters which had been referred to. The way this question came up here and the way it has been brought up by the West Bengal Government and the West Bengal Assembly has been in regard primarily to certain legal approaches and legal issues. I shall endeavour to deal with those matters. I fear I may have to seek your indulgence and the indulgence of the House for some time in order to do so.

12:19 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

When a State Government and a State Assembly express their opinion challenging the legality of some step that we have taken, it is only right that we should give full thought to it and give a considered reply. Therefore, I have to deal with this matter at some slight length.

The issue of Berubari, apart from the pure merits, has various questions of legality involved—how far we have acted in pursuance of the Supreme Court's advice, and further, how far the reference made by the President in this matter to West Bengal was the correct method or not. The West Bengal Assembly and the Government have challenged that reference and I shall come to that later.

As regards the pure legality of it, the West Bengal Legislative Assembly has passed a resolution moved by the Chief Minister of the State expressing the opinion that the Acquired Territories Merger Bill 1960, which was referred by the President to the State Legislature under the proviso to article 3 of the Constitution for expressing its opinion thereon is invalid and unconstitutional. The resolution sets out the grounds on which the State Legislative Assembly has formed its opinion. I shall deal with those grounds.

May I add that as I thought that many hon. Members might like to refresh their memory about the Supreme Court's advice on this matter, I have had it printed and sent this morning enough copies for supply to all the Members so that, when the House would be considering it here, it is available to all the Members (*Some hon. Members*: We have not got it). I know that. The House had begun sitting when it arrived. But it is available to all the Members.

In order to examine the points raised by the West Bengal State Legislative Assembly regarding the validity and the constitutionality of the aforesaid Bill, it would be helpful to recapitulate, at the outset, the events leading to the proposed legislation. With a view to remove causes of tension and establish peaceful conditions along the Indo-Pakistan border areas, the Prime Ministers of Pakistan and India discussed various Indo-Pakistan border problems in September, 1958, as a result of which an agreement was arrived at between India and Pakistan on the 10th September, 1958 relating to 10 items. Certain other outstanding disputes and doubts were also settled later by two other agreements, one dated 23rd October, 1959 and the other dated 11th January, 1960. The agreements dated the 10th September, 1958 and the 23rd

October, 1959 dealt with border problems with both East Pakistan and West Pakistan while the agreement dated the 11th January, 1960 related to border problems with West Pakistan only. All the settlements made under the three agreements involve transfer by India of certain areas in India to Pakistan and the acquisition by India of certain territories in Pakistan as well as certain minor border adjustments.

West Bengal is concerned with the first two agreements only. The items in the first agreement respecting West Bengal are:

(1) equal division of Berubari Union No. 12 between India and Pakistan;

(2) exchange of all Cooch-Behar enclaves in Pakistan and Pakistan enclaves in India;

(3) adjustment of boundaries between *Khulna* in 24 *Parganas* and *Jessore*.

The items in the second agreement affecting West Bengal relate to the demarcation of the boundary between West Bengal and East Pakistan in the areas of *Mahananda, Burung* and *Karatoa* rivers.

A doubt having arisen regarding the method of implementation of the agreement relating to Berubari Union and the exchange of Cooch-Behar enclaves, the advice of the Supreme Court under article 143 of the Constitution was sought. on the question, *inter alia* whether if any legislative action was necessary for the implementation of the agreement relating to these items, a law of Parliament relatable to article 3 of the Constitution was sufficient for the purpose or whether an amendment of the Constitution was necessary in accordance with article 368 of the Constitution.

It may be mentioned that when the reference was heard by the Supreme Court, the State of West Bengal was given an opportunity to place its views on the reference, and the Advocate-General of that State appeared at the hearing for the State of West Bengal. Several political parties also intervened in the matter and were represented by Shri N. C. Chatterjee, Senior Advocate. The opinion of the Supreme Court was reported in the *Supreme Court Journal*, 1960. For the Purposes of this, the following views, as expressed by the Supreme Court are relevant:

(1) There can be no doubt that under international law, the essential attributes of sovereignty are the power to acquire foreign territory as well as power to cede national territory in favour of a foreign State;

(2) Acquisition of a foreign territory by India in exercise of its inherent right as a sovereign State automatically makes the said territories part of the territory of India. After such territory is thus acquired and factually made part of the territory of India, the process of law may assimilate it either under article 2 or under article 3 (a) or (b);

(3) As an illustration of the procedure which can be adopted by Parliament in making a law for absorbing newly acquired territory, reference may be made to the Chandernagore Merger Act, 1954:

(4) Article 3 deals with the internal adjustment *inter se* of the territories of the constituent States of India. The power to cede national territory cannot be read in article 3(c) by implication:

(5) Agreement in respect of Berubari Union involves the cession of the territory of India. *A fortiori* the agreement in respect of the exchnge of Cooch-Behar enclaves also involves the cession of Indian territory: ;

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(6) Accordingly, acting under article 368, Parliament might make law to give effect to and implement the agreement covering the cession of part of Berubari Union No. 12 as well as some of the Cooch-Behar enclaves which by exchange are given to Pakistan. Its implementation would naturally involve the alteration of the content of and the consequent amendment of article 1 and of the relevant part of the First Schedule to the Constitution.

(7) Parliament may, however, if so chooses, pass a law amending article 3 of the Constitution so as to cover cases of cession of the territory of India in favour of a foreign State. If such a law is passed, then, Parliament may be competent to make a law under the amended article 3 to implement the agreement in question. On the other hand, if the necessary law is passed under article 368 itself, that alone would be sufficient to implement the agreement.

I have given you a summary of the various points referred to in the Supreme Court's opinion. It will be observed that according to the opinion of the Supreme Court, India has the power to acquire foreign territory as well as power to cede part of its territory, within the framework of the present Constitution. The cession of territory has to be implemented by an amendment of article 1 of the Constitution and the First Schedule under article 368, while the territory acquired automatically becomes part of the territory of India and can be assimilated by law under article 2 or 3(a) or (b).

The Supreme Court also suggested that article 3 might be so amended as to cover cases of cession of the territory of India and after such amendment the cession of territory could be implemented by ordinary law passed by a simple majoriy in Parliament.

Government was not in favour of this suggestion of amending article 3, as suggested by the Supreme Court, because this would make it easy in future to enable cession of territories. We wanted this to be difficult and that it should not be done by a bare majority of Parliament because if that amendment suggested by the Supreme Court is adopted, then, the Parliament, by a bare majority, could cede territory. We thought that the cession of territory should be made a difficult operation and not easy. The only course open then was to give effect to a cession of territory by an amendment of article 1 of the Constitution and the First Schedule in accordance with article 368 and to assimilate the acquired territory by an order relating to article 3, as pointed one by the Supreme Court.

12.30 hrs.

[MR. SPEAKER *in the Chair*]

This procedure necessarily involves two Bills: one for amendment of article 1 of the Constitution and the First Schedule and the other appropriating the added areas of the States, namely Pakistan Enclaves, under article 3. The Supreme Court itself has indicated the necessity of two Bills, one necessitating the amendment of article 1 and the First Schedule and the other involving an ordinary Bill only. The two Bills cannot be rolled up into one as the procedure for the two and the conditions for passing are different. I am saying this because the West Bengal Government has laid stress that there ought to have been one Bill and not two. According to the advice given to me and my own views, this could not have been done and if we have tried to do that, it would not have been in conformity with the Supreme Court's advice in the matter. The

Attorney General of India was also consulted in the matter and he too advised that two separate Bills should be prepared.

The Bill relating to article 3, the Acquired Territories Merger Bill, 1960 was required to be referred to the State Legislatures concerned under the proviso to article 3. The order of reference was accordingly made by the President and was transmitted to the Chief Secretary to the Government of West Bengal with a covering letter in which he was requested to bring the matter to the notice of the Chief Minister and make arrangements for the reference to be considered by the State Legislature. 400 copies of the Bill were sent to the State Government for circulation among the Members of the State Legislature. 400 copies of the other Bill Constitution Amendment Bill were also sent to the State Government. Both the Bills were examined by the State Government and they submitted certain comments.

As regards the Acquired Territories Merger Bill, 1960, they stated that no comment is called for except that there was no provision relating to the citizenship of the residents of the territories acquired. The question of validity or constitutionality of the Bill was not at all raised.

The grounds on which the West Bengal Assembly had passed the Resolution that the Bill is invalid and unconstitutional may now be examined.

The first ground is a statement of fact and calls for no comment.

The second ground is also a statement of fact but it describes the agreement as one and indivisible. The agreement cannot be aptly described as indivisible as it cedes certain territories and acquires certain other territories. The provision regarding the cession of territories is separable from the provision regarding the acquisition of territories. By advising two separate methods of legislation to implement cession and acquisition of territories, the Supreme Court itself has indicated that the agreement is not indivisible and the opinion of the Supreme Court necessarily involves two separate Bills, one for cession of territory and the other for absorption of the acquired territories.

The third ground is not in conformity with the opinion of the Supreme Court. As stated above, the Supreme Court has held that Parliament can make a law relatable to article 3 for the purpose of implementing the agreement in so far as it relates to acquisition of territories. It is only in respect of cession of territories that the Supreme Court has held that the law relating to article 3 is not competent.

As regards the fourth ground, the Supreme Court has suggested two ways for implementing the agreement: one by amending article I and the First Schedule of the Constitution in accordance with article 368 to implement the agreement for cession of territory and a law under article 3 to absorb acquired territories. While passing, they mentioned another way, namely, amendment of article 3 itself so as to cover cases of cession of territory and enabling, after such amendment, cession of territory by an ordinary Act under the amended article 3. The latter method has not been accepted by Government who have, therefore, adopted the former. It has not been accepted, as I have said before, as we do not wish to make it easy to cede territory by a law by a sample majority. It is, therefore, not correct to say that none of the methods indicated by the Supreme Court had been adopted in drafting the Bill.

With reference to the fifth ground, it is true that the provisions of article 3 are being utilised to give effect to part of the agreement only in so far as it relates to the acquisition of territories and this method is in accordance with the opinion of the Supreme Court.

[Shri Jawaharlal Nehru]

It is said that the acquisition of territories is nothing but the result of an exchange involving cession of territories and that to give effect to the agreement by piecemeal legislation relating to matters which are inseparable is unconstitutional. It is not wholly correct to say that the acquisition of territory is the result of exchange involving cession of territory. The exchange of territories is in respect of Cooch-Behar Enclaves only. The other items of cession of territory and acquisition of territory are decided on merits. It necessarily follows from the opinion of the Supreme Court that there are to be two separate laws and the two Bills drafted in accordance with that opinion are not therefore unconstitutional. Whether the agreement can or cannot be said to be inseparable is unimportant in view of the Supreme Court opinion necessitating the passing of two separate Bills.

The sixth and the last ground states that the method of implementing the agreement by two Bills is objectionable since the State Legislature is deprived of the right to express its opinion in respect of the cession of a part of its territory. Such a result flows from the provisions of the Constitution itself. While a Bill under article 368 does not require reference to the State Legislature, the Bill under article 3 alone requires such a reference. The Constitution does not give the State Legislature an opportunity to express its opinion in respect of cession of territory. Dealing with this aspect, the Supreme Court has observed that this incidental consequence cannot be avoided. In defence of such a position, the Supreme Court adds:

> "The Bill has to be passed in each House by a majority of the total membership of the House..."

That is, the Central Legislature.

> " . . . and by a majority of not less than two-thirds present and voting."

That is to say, it should obtain the concurrence of a substantial number of the House which may normally mean the consent of all the major parties of the House and that is the safeguard provided by the article in matters of this kind.

It may be mention that with a view to enabling the State Legislature to have an idea of the complete picture, sufficient number of copies of the Constitution (Ninth) Amendment Bill were also sent to the State Government. It is not known if these copies were circulated to the Members of the West Bengal Legislative Assembly. It is thus submitted that the Acquired Territories Merger Bill, 1960 has been framed in accordance with the opinion of the Supreme Court and cannot be regarded as invalid or unconstitutional.

Sir, I have taken so much time over this point because they have said in the West Bengal Assembly that this is unconstitutional and I have to point out that we have acted in strict accordance with the advice given by the Supreme Court.

Now, there is another point *viz.*, that the procedure adopted by the President was not correct: that is what they say. At the end of the Resolution of the West Bengal Legislative Assembly, there is an objection to the effect that the procedure that had been adopted in referring the Bill to the Legislature through the State Government is not in accordance with the provisions of the proviso to article 3 read with article 168. This proviso to article 3 states that the President shall refer the Bill to the Legislature of the State for expressing its views thereon within such period as may be specified in the reference. In the present case, the order of the President stated:

> "Now, therefore, in pursuance of the proviso to article 3 of the Constitution of India, I hereby refer the Bill to the Legislature of each of the States for expressing its views thereon within a period of

one month from the date of this reference."

The House will remember that there were several legislatures concerned—Assam, Punjab, as well as West Bengal. The President's reference to the legislature was dated 23rd October. As he gave a month, the period of reference expired on the 23rd November last. There is no doubt that the reference was made to the legislature. It said so, and in fact, it is recognised in the preamble of the resolution of the West Bengal Legislative Assembly which says:

> "Whereas the Acquired Territories Merger Bill, 1960 has been referred by the President through the State Government to the legislature of the State for expressing its views thereon" etc.

The objection taken apparently is that the reference to the legislature by the President was made through the State Government. The requirements of the introduction of such a Bill are two: namely, (a) there must be a recommendation of the President; and (b) the President must refer the Bill to the State legislatures concerned for their views where the Bill proposes to alter the boundaries, etc. This latter requirement does not specify the procedure by which the President has to refer the Bill for the views of the legislature concerned. It is a settled principle of law that where the principle for the exercise of the statutory power is not laid down, the authority exercising the power can follow its own procedure so long as it is not arbitrary or capricious.

The procedure followed in the present case for sending the reference through the State Government for obtaining the views of the State legislature concerned was followed throughout, ever since the Constitution came into being, namely, in the case of the formation of the State of Andhra; in the case of the States Reorganisation Act; in the case of the alteration of the Bengal and Bihar boundaries; and in the case of Assam and Bhutan boundaries and so on. The same procedure was also followed when the President sent his recommendation to the Lok Sabha under article 117 which he does frequently. The recommendation is sent to the appropriate Ministry for being conveyed to the Lok Sabha, the procedure for sending the reocmmendation to the Lok Sabha directly not being laid down in the Constitution. There is, therefore, nothing of substance in the objection on this point.

Apart from this, how else is the President to function? Has he to write to the Speaker directly on the subject and in such a case who is to move the motion in the House? Or, has the President to send it to the Governor? If so, the Governor will have to send it to the State Government. It is only the State Government that can take action in the Assembly on such a matter. Thus, from the legal point of view as well as from the common sense point of view and the practice hitherto consistently followed, the sending of the reference by the President to the State Government to be placed before the legislature was correct, and cannot be objected to.

I might add that the rules of business of the West Bengal legislature even do not provide for any procedure for obtaining its views under article 3.

Thus far, on these legal matters which have been raised, I am sorry I have taken up so much time in a rather dry dissertation on the subject. But I wanted to make it clear that we have throughout taken the greatest care in taking the steps. Originally, when this matter came up, that is, after the agreement, we considered how we have to give effect to it. The House will remember that most of these things—not the Cooch-Behar enclave—were interpretations of the Radcliffe award. That is, the view of Pakistan and the view of India differed as to the interpretation. In other words, if the interpretation was a particular one, that interpretation was right from the very beginning of the

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Radcliffe award. It is not that any step was taken, that is to say, as if an arbitrator or some judicial authority made it clear that this is the interpretation. According to us, that interpretation really applied from the very day of the partition. It was not a cession of territory as such. Though it resulted in a cession, it was a recognition of something which Radcliffe had stated.

Shri H. N. Mukerjee (Calcutta-Central): Since the Prime Minister knows that Berubari was not an enclave, it is a matter for acquisition or cession. It is not a matter for negotiation in regard to the award given by Radcliffe or Bagge.

Shri Jawaharlal Nehru: Berubari, as I shall presently show, was one of the matters in dispute. It is not an enclave, of course. The enclave was a separate question. The Cooch-Behar enclave had nothing to do with the Radcliffe award. They are separate things between the two Governments —exchanged for convenience.

Shri H. N. Mukerjee: Purely on merit, you are going to see which to cede and which to acquire.

Shri Jawaharlal Nehru: Berubari Union was one of the matters in dispute in regard to the interpretation of the Radcliffe award. But the interpretation of Pakistan and India differed and this has been before us for a number of years.

I was merely saying how we proceeded with it legally. So, technically, if it was not a cession in that sense, but a clarification of what Radcliffe had decided, the question about cession normally does not arise. Nevertheless, we attached value to this and we decided—

Shri Tridib Kumar Chaudhuri: Just one point.

Mr. Speaker: Let the hon. Prime Minister go on and let him finish. Hon. Members will note down the points and I shall allow them later on to put questions if any.

Shri Jawaharlal Nehru: But we decided nevertheless that this was such an important point that it should be brought before Parliament for Parliament's decision. Later, subsequently,—it was I think on the 1st of April, 1959 or later—on the question of how best to do it, what was the best method to do it, there was some argument. So, we advised the President to refer it to the Supreme Court, and so it was referred and the Supreme Court gave its opinion after about a year.

Then again naturally the question arose. Obviously we had to follow the advice of the Supreme Court. And the Supreme Court gave two or three alternatives how to follow it. As I have already stated, one proposal was that we should change the whole constitution so as to enable future cases of cession to be decided by a simple majority of Parliament. They did not approve of it but they said this can be done. We did not approve of it, as I said, because we did not want to make this a simple affair.

I want to refer to one fact which has been repeatedly referred to, namely, the question how far the West Bengal Government or their representatives were consulted in this matter. As a matter of fact, a year and a half ago nearly, I made a statement in this House. Perhaps hon. Members have forgotten what I said then about this very matter. So, I would like to go into some detail as to the process of consultation that took place. This dispute about Berubari was raised by Pakistan in 1952. It had since been the subject of much correspondence, as well as discussion between the Governments of India and Pakistan. Both India and Pakistan claim the whole of the Berubari Union according to their interpretation of the Radcliffe award.

I do not wish to go into every year's correspondence and all that. The West Bengal Government of course was, as other State Governments, often participating in this correspondence. There was no two opinion between the West Bengal Government and the Government of India, because our interpretation was that the whole of Berubari Union should come to India. So was theirs in fact. We were following their advice in this matter. Then, ultimately, matters arrived at a stage when all these various disputes between Pakistan and India in regard to the frontier came to a head and we tried to solve them to the best of our ability. Even in Pakistan there was that feeling because, as the House well knows, there were almost daily troubles in the frontier, questions here, motions for adjournment and all that. We thought we should try to settle where the frontiers were, because most of the trouble arose on account of disputed frontiers.

There was a conference in August 1958 at the level of Secretaries. No agreement was reached then though a number of proposals and counter-proposals were made. In September 1958 the then Prime Minister of Pakistan and the Prime Minister of India met in Delhi. They asked their Secretaries to consider the remaining matters which had not been agreed to and discuss the various proposals made for settlement. The two Secretaries met. Now, when this argument arose with the West Bengal Government, soon after that, that is, a year and a half ago or so, the Commonwealth Secretary, who is most intimately associated with the talks right from the beginning, put down a long note and I am quoting from that.

"The two Secretaries met"
that is, Pakistan and Government of India Secretaries.

> 'After some discussion of the various proposals, the Commonwealth Secretary suggested that the representatives of the State Governments concerned in India (that is, Bengal, Assam and Punjab) should be invited so that their reactions may be taken to these proposals. The Chief Secretary of West Bengal as well as the Chief Secretaries of Assam and Tripura were called in from the Indian side and the Pakistan Foreign Secretary called in the Chief Secretary of the East Pakistan. The State Chief Secretaries of India said that they would like to consult their Directors of Land Records and other officials. The Chief Secretary of West Bengal stated that the proposals regarding West-Bengal—East Pakistan boundary were practical but he would consult his colleagues.

May I say that they were considering a number of proposals, a package proposal, not merely this? This was not the only one but it was a package proposal both in regard to western and eastern sides. Bengal, of course, is concerned only with the eastern one. But there were several matters.

Shri Tyagi (Dehra Dun): Bebubari inclusive?

Shri Jawaharlal Nehru: Oh yes, of course. So, the Chief Secretary of Bengal said—it is not a question of liking or disliking but taking a matter in all its aspects and approving of the deal, if I may use that word or not.

> "The Chief Secretary of West Bengal said that the proposals regarding West Bengal—East Pakistan boundary were practical but he would consult his colleagues. The Commonwealth Secretary pointed out that there were two Cooch-Bihar enclaves shown in the maps as adjoining Berubari Union No. 12 and any decision regarding the Berubari Union required careful consideration, because of the question of access to these enclaves. The Chief Secretary of West Bengal consulted his colleagues and on return

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stated that the division of Berubari Union should be so made as to allow for communications to be maintained with one of the Cooch-Behar enclaves to be retained by West Bengal, the other enclave along with half of the Berubari Union going to East Pakistan. This was agreed to by the Pakistan Foreign Secretary and the formula for the division of the Berubari Union was worked out in consultation with the West Bengal officials and incorporated in the recommendations of the Secretaries.

The above represents the facts of the case and the discussion on the 10th September at the official level. So far as the question of Berubari is concerned, according to this it is correct to say that the West Bengal officials did not recommend the division of the Berubari Union; neither did the officials of the Government of India. But the division of the Berubari Union was a part of a number of counter proposals made by the Pakistan Government and the question at issue was whether we should accept these proposals as a whole. The West Bengal officials did not object to the acceptance of the counter proposals and worked out a formula for the division of the Berubari Union which would retain the area through which the essential communications passed in West Bengal. That is to say, as stated by the Prime Minister, an *ad hoc* decision was taken after consultation between the officials of the Government of India and the Government of West Bengal. The responsibility, of course, for the decision is that of the Government of India. It would not, however, be correct to say that the Chief Secretary of the West Bengal Government and other officials were not asked for any opinion in regard to Pakistan's counter-proposals in respect of Berubari Union."

I should like the House to remember that these two Chief Secretaries had come here for this purpose. They were constantly discussing these matters with the officials of the Government of India and, naturally their opinions we have been asking for. But Berubari does not stand out; it is a whole scheme of things that we discussed.

Now, it may be, as I said on another occasion, that certain misunderstandings may have taken place; it is very difficult to say. But one thing is quite clear that they were consulted throughout and that they gave the impression, actively or passively, or may be they have done so because they thought this is the only way, whatever it may be, even without approving of it. But that is the impression that was given and that is what was conveyed to me. There is no doubt as to what was conveyed to me because I asked a straightforward question on Bengal as to who represented their Government, whether they were senior officials and so on. I was told that there was the Chief Secretary, the Joint Secretary of the Home Department and the Director of Land Records.

Soon after the conference with Pakistan was over, a meeting was held with the Ministry of External Affairs the very next day, 11th September, to consider the implementation of the agreement arrived at. At that time the Chief Secretary of the West Bengal Government had left but the other officials were still there. The following is taken from the minutes of the meeting in regard to Berubari Union:

> "With regard to the division of the Berubari Union the Commonwealth Secretary explained that the horizental division agreed to did not mean that the demarcation

> should take place along a straight horizontal line regardless of the effect of such a division on the existing system of communications etc. which should be kept intact as far as possible."

After that, it is noted: "Action to be taken by West Bengal": usually there is a note as to who has got to take action. The minutes of the meeting were sent to the State Government on the 18th September, 1958, that is, within a week of that conference, together with the documents regarding the agreement reached with Pakistan with the request that necessary action might be taken. Subsequently, a letter was received from the West Bengal Government dated October 10, 1958. from the Chief Secretary. The only question raised in this letter was whether the change in Government in Pakistan—the change had taken place just a little before—whether that change had made any difference to the implementation of the decisions reached between the two Prime Ministers. The Commonwealth Secretary replied that the new regime in Pakistan had intimated that it will stand by all commitments made by the previous government, and therefore, the implementation of these matters should not be held up. On the 30th October, 1958 a request was made to the West Bengal Government for population and other local data regarding the Berubari Union in answering questions in Parliament. On the 14th November the West Bengal Government supplied the information and added that the Deputy Commissioner at Jalpaiguri had been asked to furnish further information. This further information was supplied with the letter of the 24th November 1958. On the 15th November the West Bengal Government went so far as to propose certain amendments to the schedule to be attached to the draft Bill regarding the exchange of Cooch-Bihar enclaves on the basis of the accepted division of the Berubari Union.

I cannot go on taking too much time but I have got a number of letters, long letters, my letters and our Secretary's letters to the West Bengal Government Chief Minister dealing with this matter. It would thus be seen from all this correspondence which followed soon after the decisions taken at the conference that the West Bengal Government did not give any indication that the decisions were not acceptable. In fact, the indications were exactly to the contrary.

13 hrs.

On the 9th December, 1958, the Prime Minister dealt with the statement on the Berubari Union in the course of a debate here in Parliament on the international situation. On the 15th December a question was put in the West Bengal Assembly by Shri Joyti Basu about the Prime Minister's statement. The Chief Minister of West Bengal replied to it to the effect that the Director of Land Records had not suggested a division. He asked me for the text of my statement and I sent it to him. I said, "I take the responsibility for this decision; it is not the Director's." I did not wish to drag the poor Director in taking such a big decision.

Then I made a statement in the Rajya Sabha on the 16th December. All that is on the record. On the 29th and 30th December the West Bengal Assembly and Council debated the transfer of Berubari Union and passed resolutions to the effect that the Berubari Union should remain part of India. Subsequently there was a good deal of further correspondence between the Prime Minister and the Chief Minister of West Bengal.

I should like to repeat that throughout this period of our talks with Pakistan the senior State officials were present in Delhi and obviously in touch with the negotiations. There was no indication at any time from them that the decisions were not acceptable to them. So also in subsequent correspondence even though the West Bengal legislature had passed resolutions disapproving of this. But I accept entirely, of course, that the

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major responsibility was the Government of India's and more particularly mine The point is that I do not think it is at all right to say that people were not consulted. I can understand that as regards giving approval or not, some misunderstanding arose and the parties were not quite clear as to what they agreed to and what they did not. But even so tacit approval was shown throughout—then and in subsequent proceedings.

The legal interpretation of the Radcliffe Award made the position of Berubari rather doubtful. If no settlement was arrived at, not only the question of Berubari but any other questions included in the settlement would have been left over. The matter would have been referred to a new tribunal. We definitely thought that the settlement as a whole was to the advantage of India and West Bengal. I should like to say frankly that we thought that it was advantageous for West Bengal and for India, of course, that this agreement should be arrived at not merely as a whole, but I would like to say even in regard to Berubari itself, that is, the division of Berubari. The other alternative was of sending it to a tribunal which may have decided either way, either in favour of Pakistan or in favour of India. If it decided in favour of Pakistan, we would have lost the whole of the Berubari Union. So we thought that it was fair both in the larger context and in regard to this. Naturally, we knew we did not like it but things which one does not like have to be agreed to sometimes. So in the balance we thought that that was right.

This took place then. Later, as I said, on the 1st April, 1959, it was referred to the Supreme Court and they gave their opinion on the 14th March—almost exactly a year later.

Looking at this matter one has to keep in view that for eight years this was a pending matter on which there was a great deal of correspondence and discussion previously. Later the discussion became rather more pointed because it so happened that both parties, that is, we of course, but even Pakistan, had arrived at the decision to come to a settlement. Many of our conferences, this House knows, have not been productive because the attitude taken up by Pakistan had not been helpful. In this matter they were definitely helpful. They wanted things to be done and we certainly wanted things to be done to get a peaceful frontier and put an end to it.

I should like the House to look at it in that context. This meeting takes place, each person desiring a settlement—West Pakistan, East Pakistan and all that—and as regards Berubari naturally we would prefer the whole of Berubari to remain with us. But it was a question not only of the larger context but of coming to a commonsense decision, which we did not like, in order to avoid something which we liked still less. I still feel, therefore, that the agreement was a right one and a worth-while one both from the point of view of West Bengal and India.

It is unhappily true that, may be, a number of people who might be affected by this would have to leave their homes. The population of whole of Berubari Union is a little over 12,000. Half of Berubari would be about 6,000. There are some Muslims.

Shri Tyagi: Have you some idea of the proportion between the Hindus and Muslims there?

Shri Jawaharlal Nehru: I understand —I do not know the exact figures; in fact, the exact line is not drawn— there are not many Muslims. They may be some hundreds. About two-thirds of that population of this half are refugees from East Pakistan. It certainly is a most unfortunate thing, namely, that persons who have been uprooted once should have to face a contingency which might lead to their being unrooted again. I think all of us anyhow—whatever our views may be—must sympathise with them and consider it our duty to help them if any need arises to the extent possible for us.

All the history that I have placed before the House indicates not some sudden decision suddenly arrived at but after giving consideration to it repeatedly and fairly. I must say that at this conference the discussion was a fair and just one and there were no pressures from Pakistan which would compel us to do something. We agreed to it, to each thing idividually and severally and having regard to it we gave our word to Pakistan. We signed that document. Later it came up before Parliament in various ways. All this history I have related.

I need not remind the House that if I functioned there it was not in an individual capacity. Obviously I functioned in the capacity this Parliament has given me, that is, of the Prime Minister of India. Every matter, obviously, cannot come to Parliament as many things are being done daily in that capacity. The word of the Prime Minister of India, apart from being the individual concerned, is not a light thing. An agreement arrived at on behalf of the Government of India also has a certain not only importance but sacredness about it. It is the word of a Government and the word of a country. I do not want anyone in the wide world to say that we do not honour our pledges and our undertakings. I have no doubt in my mind that we must hold to our pledge. I do not like, as has recently been said not in very happy terms, that we do not hold to our pledges. We have been accused that we did not hold to our pledges and our undertakings. So we have to face that issue. Of course, when there is an agreement between two parties, that agreement has to be fulfilled. The only possible way might be some agreement to vary the other agreement There is no other way to that. Whether that is possible or not, I cannot say at the moment. I do not understand how at this stage we can just say that for this or that reason we resile from that agreement.

I am sorry, Sir, I have taken so much of the time of the House. But, the matter is important.

Several Hon. Members *rose*—

Shri Naushir Bharucha (East Khandesh): The Prime Minister's statement may be circulated.

Mr. Speaker: There won't be any discussion on this.

Shri Naushir Bharucha: The statement may be circulated.

Mr. Speaker: The whole speech?

Some Hon. Members: Yes.

Shri Tyagi: It will be better if the two Bills which have been sent to the West Bengal Legislative Assembly could also be circulated amongst the Members, so that we can know what they are.

Mr. Speaker: I shall have copies of the speech kept in the Notice Office.

Some Hon. Members: No, no.

Shri Naushir Bharucha: We wont' be able to study it. It is an important matter. It may be circulated.

Mr. Speaker: Hon. Members fight shy to go to the Notice office which belongs to them.

Shri Nath Pai: Why this economy?

Mr. Speaker: Very well. I will circulate copies to all hon. Members. So far as copies of Bills are concerned, I will keep a few copies in the Library or Notice office. Hon. Members may refer to them.

There is no discussion on this matter now. For clarification, one or two questions are allowed.

Shri H. N. Mukerjee: I beg of you to bear with me a little while because the Prime Minister has raised certain important questions......

Mr. Speaker: That would lead to a discussion. Let us understand the scope. The Prime Minister has made a statement. It is a long statement. It is not an easy matter to decide if they have got any objection to it either in law or in fact. These are two different things. On a question nothing is settled. For clarifications one question may be put. On the other hand, if he wants to have a discussion, let us consider if it is necessary to have a discussion at all, what are the matters to be discussed and how are they going to be bettered by dicussion. If they write to me, normally as a matter of notice, let me see. Today, they will stop with putting one question. There will be no discussion. Let him clarify what is his doubt. What is his doubt regarding this matter.

Shri H. N. Mukerjee: If I may formulate the question, since it is an attribute of sovereignty that a country which is free can acquire foreign territory or cede territory, since any internal legal complications might very well be settled by legal ingenuity, since the whole question of cession on merits of a particular area the inhabitants of which are largely refugees from East Pakistan, has come into the picture, since the Prime Minister has reiterated his determination that he is going to stand by the view which he has indicated to the then Prime Minister of Pakistan, since the matter is agitating the minds of........

Mr Speaker: What is his question? What does he want?

Shri H. N. Mukerjee: I feel it is necessary for Parliament, in view of the people of the locality themselves never having been consulted and now being transferred like human cattle, to another country, to have a discussion on the implications of the statement which the Prime Minister has made. I beg of you, I tell you earnestly, to give some time after the Government also cogitates a little more carefully in regard to this matter. I do not wish that the Government should act in a huff because the Prime Minister was saying that the honour of India is involved. Let us consider this matter carefully and sympathetically and let this House have an opportunity to discuss it at some future time, as quick a time as possible, so that we will really be able to put forth the case which is felt by the people of our part of the country. I do not want any disturbance. I know very well that in West Bengal there is........

Mr. Speaker: He wants a discussion on the statement. Very well. Shri Tridib Kumar Chaudhuri.

Shri Tridib Kumar Chaudhuri: The Prime Minister, at one stage, said that this agreement with regard to Berubari arises out of the interpretation of the Radcliffe Award. I only wanted to draw his attention to this opinion of the Supreme Court in the judgment:

> "....we cannot accede to the argument urged that it does no more than ascertain and determine the boundaries in the light of the award. It is as Agreement by which a part of the territory of India has been ceded to Pakistan and the question referred to us in respect of this Agreement must therefore, be considered on the basis that it involves cession or alienation of a part of India's territory."

The Prime Minister has said that they took it that the Government of West Bengal expressed their tacit approval. I want to know whether the Government of West Bengal or the officials who represented them at the time of the Agreement or at the Karachi

Conference expressed their disapproval of this whole thing before this opinion was expressed by the Supreme Court or after this opinion was expressed by the Supreme Court.

Shri Jawaharlal Nehru: The matter before the Supreme Court was what procedure should be adopted, what steps should be taken to give effect to certain decisions. There is no doubt that the question of Berubari arises from the manner you interpret the Radcliffe Award. That is obvious. The point that the Supreme Court decided was that even so, this is the procedure that should be adopted, and not a procedure that this was *ab initio* part of Pakistan and therefore, nothing should be done. I submit that is a point quite clear. We ourselves were in doubt about this and we referred it. Naturally, we accept the Supreme Courts opinion. As for West Bengal Government, as I said, in 1958, in December, I think, they expressed their disapproval, and the West Bengal Assembly passed a resolution to which I referred. Later, I do not know the dates, this time, the matter came up after the Supreme Court's opinion, when we started taking steps, the West Bengal Assembly again repeated their resolution. That is so. There is no question of approval. Nobody likes many things. But we have to do that because if we do not do that, something we dislike more comes. In the balance, one approves a thing and carries on with it.

Some Hon. Members *rose*—

Mr. Speaker: No more discussion now.

Shri Nath Pai: One question, Sir.

Mr. Speaker: There is no more discussion. I am not going to allow any more questions. I have allowed Members who come from Calcutta to put certain questions for clarification.

Some Hon. Members: This is an all-India question.

Shri Nath Pai: Let us transfer it to the Bengal Assembly. Why have a debate here if only the Bengal Members are to be allowed? (*Interruptions*).

Mr. Speaker: Shall I start a discussion now? If hon. Members will go through the whole statement and table whatever questions they want to ask, that would be much better, instead of merely hearing it and each one raising a particular question. The question may be very important. Let them consider leisurely. Tomorrow or day after tomorrow, let them put questions. I will send them on to the hon. Prime Minister and try to find out if any clarification is necessary. So far as Shri Mukerjee's request is concerned, let us consider it in due course when the matter comes up.

Shri Tyagi: On a point of order. If the House already envisages a discussion on a particular point—of course the Bill is coming—we cannot have a separate discussion on the very same subject.

Shri Vajpayee (Balrampur): Why not?

Shri Tyagi: Of course, not, because it is against the Constitution, against the whole practice. If we are going to have a Bill, we give the verdict on that Bill, but before that on that very particular point we cannot have a discussion, as we have to vote in a discussion also. We cannot take one decision one day and another decision on the Bill that is different. How can that be possible?

Mr. Speaker: I will bear this in mind.

Shri Ranga (Tenali): Such a lot of uncertainty has been created in regard to the facts of the case in view of this dispute between the Bengal Government and the Union Government and the discussion that has taken place in that legislature. Therefore, it would be a proper thing for us, as you yourself suggested, for some of us to be

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permitted to put some questions and ask for some elucidation.

For instance, the hon. Prime Minister said that the Union Government or he himself understood that the Bengal Government had given their tacit approval, rightly or wrongly as he put it. I would like to know whether, when he decided to attend this conference of the two Prime Ministers, he thought of consulting the Bengal Government through its Ministry and not through the officers, and if he did not do so, whether he was under the impression that the Chief Secretary, however highly placed an officer he might be, could possibly be expected to speak for the Bengal Government and represent the Ministry. Under what impression did they call for the officers from the Bengal Government? If they wanted to consult the Bengal Government, surely it was the Ministry which should have been consulted, and when the Prime Minister himself was taking part here in those discussions, one would have expected the Prime Minister to have invited the Chief Minister there.

Mr. Speaker: I do not want to take up the role of the hon. Prime Minister, but from what I heard—other Members also have heard—the hon. Prime Minister said that the details were worked out in the presence of the officers who came there. Thereafter, the notes of whatever happened were sent to them and the only objection was—from the long statement this is what I gathered—that the settlement officer did no accept it.

Shri Ranga: May I be permitted to ask whether on the day the two Prime Ministers signed the agreement, they did not think it was an agreement but only a kind of understanding between them which would be subject to alteration, amendment or complete annulment after having had the opportunity of consulting the Bengal Government? Surely they thought it was an agreement; therefore, it was not merely an exploratory thing. Before they came to this agreement, why is it that the Union Government as represented by the Prime Minister did not think it proper to send for the Chief Minister of Bengal and consult him and only thereafter put the imprimature on the agreement?

Mr. Speaker: I think the hon. Prime Minister has answered this already.

I am in a fix. What is it that the hon. Members want me to do? Shall I take up a discussion on this matter now?

Shri Vajpayee: Not now.

Shri Ranga: What was the state of mind of the Prime Minister at the time of putting his signature? Was he doing it on behalf of himself and the Bengal Government, and if so, could he have expected the Bengal Government to have been represented by the Chief Secretary? Was it not an ordinery commonsense view that he should have taken the consent of the Chief Minister there before thinking that the Bengal Government would also be committed by what he was doing?

Mr. Speaker: A statement has been made. It is unusual to allow questions on statements. I have allowed one or two questions. I have agreed to circulate copies of this.

So far as cession of territory is concerned, without the consent of this House or passing of the Bill by this House, and without the opinion of others concerned,—whether their opinion has been taken in time or not is for them to decide—nothing will happen. In the circumstances it is a question whether we should have a discussion immediately or later on when the Bill actually comes before the House.

It is not as if we will not have an opportunity. Government is entitled to enter into negotiations. Ultimately, so far as cession of territory is concerned, it has to be approved by this House, the constitutional amendment has also to be approved by this House. Whatever step is taken in accordance with the opinion of the Supreme Court to implement the agreement will require the approval of this House. In the circumstances, I shall consider whether it is worth while having a discussion. I am not now giving any opinion regarding this.

Hon. Members will kindly read the statement at leisure, and if they want further clarification, as I have already said, on the points on which they want clarification they may send questions to the office. I will pass them on to the Prime Minister. If there are any particular points to be elucidated, they will be elucidated.

Shri Yajnik (Ahmedabad): May I know whether this Bill is to be introduced in this session?

Mr. Speaker: I do not know. He can ask that question also. ....

13·26 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL—*contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 1st December, 1960, namely:

> "That the Bill to continue the Preventive Detention Act, 1950 for a further period, be taken into consideration".

The hon. Home Minister.

Shri Braj Raj Singh (Firozabad): May I be allowed a few minutes?

Mr. Speaker: I allowed a Member from his group half an hour the other day.

The Minister of Home Affairs (Shri G. B. Pant): I have to apologise to you and also to the hon. Members for my absence from the House when this motion for the consideration of the Bill was placed before it on Thursday last. I am particularly sorry......

Mr. Speaker: I am afraid the members of the press gallery are too eager to catch every word that is uttered here. I will ask the hon. Members to speak a little louder. Let the members of the press gallery keep within the rails there. It is only the book that fell now. I am afraid a member of the press gallery will fall upon me! Let us avoid it.

Shri G. B. Pant: I had just started by offering my apologies to you and to the hon. Members for my absence from the House on Thursday when the motion for consideration of this Bill was made by my colleague, Shri Datar. I am sorry also that owing to my absence I missed the opportunity of listening to the eloquent, and to some extent I think, spirited speeches of eminent leaders of the opposition. I appreciate their sentiments, and perhaps, to some extent I share them, but I wish that the whole question had been looked at and examined from the correct perspective. If the position as it exists and if the history of the last ten years had been kept in view, I personally feel that hon. Members would not have raised their voice against this Bill.

It has, perhaps, some sort of an unpleasant savour about it. I am also speaking to the hon. Members about the Bill, but it does not give me very great pleasure to say what does not and will not agree with some of the views expressed by some of the hon. friends whom I respect and whose opinions I attach weight to. There has been considerable improvement, so far as the enforcement of the detention law is concerned, during the last ten years. In the first year when the Bill was passed, the number of persons detained came to about 10,000, but on the 30th September of this year, the

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number had come down to about one hundred, the exact number being 106.

I quite appreciate the view expressed by Shri Asoka Mehta that the liberties of every individual must be regarded as being sacred, and that we should take care to see that nobody is unnecessarily deprived of such liberties. The fact, however, remains that we have laws in all countries for dealing with matters which might not be quite advantageous to the community at large and which have, therefore, to be handled in a certain way. While Shri Asoka Mehta referred to the sanctity of civil liberty in a way, my hon. friend Shri H. N. Mukerjee said that the number had come down to about 106 or 100, and so, it showed that this Bill was not necessary. I think he, perhaps, believes in mass liquidation and also in concentration camps. That is not our method. So he is dissatisfied, because our attitude is one of judicious discrimination, and we are always anxious not only to maintain but to enlarge the liberties of the citizens of our country. He would not have been, I think, very disappointed because of this fall in the numbers from about 10,000 to 106.

This Bill, as I said, was first introduced in about 1950, just after the Constitution had come into force. The Bill is intended to deal with such persons as cannot be otherwise produced before courts, and whose detention becomes essential for the protection of the civil liberties of millions of people. It may be an evil, but all criminal laws are, I think, in a way undesirable from the Sarvodaya point of view. Acharya Kripalani expressed that view the other day. He saw the dangers ahead. He also saw, the omens of the coming times, on account of the growing fanaticism connected with languags, with regionalism and other things, of which we see examples even within this House, more frequently now than we even did before. But he wanted us to rely on moral force for all that. I wish we could do that. I wish we could abolish the Penal Code. I wish we could at least carry on a sort of campaign for the removal of social evils, which can perhaps be tackled more effectively through moral means than other things, but we have found it difficult to achieve any results even in that field by purely moral suasion. So, we have to reconcile ourselves to methods that may not be ideal—and man being imperfect, few things can be ideal—but which can yield results that are considered essential for the orderly existence of society and for the progress and development of the country.

Very euologistic references were made, and quite rightly and appropriately too, to a remark that Sardar Patel had made when the Bill was introduced by him. I wonder if hon. Members had read the whole of his speech. I would just refer to one or two sentences from what he said. In fact, he began by saying:

> "The House or at least a majority of the Members of this House were members of the Constituent Assembly are aware of the discussions which we had on article 22. I can say straightway that unfortunately owing to my ill-health I could not be present when the discussions were going on, but I was very apprehensive that certain aspects regarding the security of the State were not properly emphasised before the House at that time, and with all respect to that body, I felt that due weight was not given to those considerations."

Further on, he had also observed:

> "When we think of civil liberties of the extremely small number of persons concerned, let the House also think of the liberties of the millions of people, threatened by the activities of individuals, whose civil liberties we have curtailed".

In the course of the discussion, it was suggested by Shri M. R. Masani that it would be desirable to examine the principles and to have a permanent Bill regarding detention.

Shri M. R. Masani (Ranchi-East): Not regarding detention, but dealing with certain elements which could be identified as subversive.

Shri G. B. Pant: By means of detention.

Shri M. R. Masani: By means of outlawing certain groups.

Shri G. B. Pant: I am only saying that you agreed to a permanent Bill being placed on the statute-book or being introduced in this House for dealing with what you considered subversive elements, but the method and the principle of detention were acceptable to you.

Shri M. R. Masani: If the hon. Minister would permit me, it is not the principle of detention; you identify a party as subversive, then membership of that party becomes a crime, and then you prosecute and convict them in a court of law.

Shri G. B. Pant: You according to my reasoning and according to the statement you made just now—a moment ago—agreed to the Preventive Detention Bill being enacted if its operations were confined to subversive elements.

Shri M. R. Masani: No, Sir.

Shri G. B. Pant: You may not now. You are free to change your opinion, as everybody is. But to what I said then you agreed.

Shri M. R. Masani: No, not detention, but outlawing a Party. The two are different things.

Shri G. B. Pant: I speak from the record. You have, of course, a growing mind and intellect and you may be seeing more of light than you did then. But I am not speaking about you; I was speaking more about Sardar Patel, saying that that was his intention and he had your weighty support. The suggestion, in fact, came from you and he agreed with it and accepted it.

So far as Sardar Patel was concerned, he was willing to consider the suggestion of bringing in a permanent Bill on detention. I do not like the idea myself. My respect for the Sardar is unbounded, but I feel that it would be better if we could do without a Detention Bill. But we should not shirk our responsibility.

My hon. friend, Shri Asoka Mehta, spoke with great vigour and he is free to make such observations as in his present position occurred to him to be right or which appealed to him. But he knows that one of his principal lieutenants and one of the old members of his Party, Shri Pattom Thanu Pillai, who is now the Chief Minister of Kerala, has asked us to extend this Act and to continue it further. I only wish that he may occupy an equally responsible position some time. Then I hope he will perhaps under the weight of responsibility look at things in a different way.

But there is one remark of his which not only perplexed me but in a way shocked me, especially because it came from him. He said that it is one of the fundamental rights to subvert a Government. I do not quite understand this. The word 'subvert' connotes the use of violence and also of coercion. In a democratic system, we believe in freedom and in individual liberty. Of course, every political party has the right to carry on active propaganda against the Government, to persuade that voters to its point of view and then to occupy those positions which would enable members of the party to act according to their own views. But if we are to resort to subversive methods for displacing a Government, I do not know what is the difference between 'you can subvert a Government, but you cannot subvert the State'. If Governments are subverted like that, then no State can exist.

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Again, we have to understand the basic fundamentals on which some of the criticisms were apparently based. Democracy assumes the existence of a difference of opinion. Also government by Party with an Opposition on the other side in a way indicates that there are differences of opinion and the convictions of the two Parties do not exactly coincide. If that be the case, then there are bound to be occasions when the decisions taken by the Government may not appeal to the Opposition, and if in all such cases the Opposition or those who do not agree with the decisions of the Government were left free to carry on a campaign of organised resistance, even peaceful, that would be repugnant to the principle of demrocracy. Whether good or bad, the laws that are passed by Parliament must be obeyed by the people.

Shri Braj Raj Singh: Parliament or a State Legislature.

Shri G. B. Pant: Or a State Legislature.

Shri Braj Raj Singh: Kerala also.

Shri G. B. Pant: In Kerala too. I would not be a party to the defiance of any laws passed in Kerala, or if Shri Braj Raj Singh's Socialist Party comes into power tomorrow, any law passed by his Party in the State where such a Party may be legitimately occupying such positions. But what did he say? He said that he took pride in continuously carrying an organised campaign of civil disobedience. His leader—I do not know if he is his leader—Shri P. N. Singh said the other day that if the laws are bad, then such sort of campaign should be organised. Then we have to depend on the mercy of people who may have perverted minds and who may take any view about anything, who may look at things in a manner which may appear to others whimsical, if not worse.

Shri Braj Raj Singh: May I submit that the only condition precedent and the safeguard is that all such movements shall always be peaceful?

Shri G. B. Pant: If I say that all such intentions end in smoke, I would not be wrong, because whether the intentions of the organisers be sincere or not, civil disobedience on a mass scale does inevitably lead to violence; and even if it does not lead to violence, if all offices are paralysed, the Government cannot function, the trains cannot run; at the same time, the taxes cannot be realised and we cannot come and attend Parliament, then I do not see how democracy can function. So whether the movement leads to violence or not, even that is not necessarily a criterion for judging these things.

We have seen many things like that happen. I know that in my own State there were times when buses were set on fire, post offices were set on fire and the street-lamps were also smashed to powder. The intentions of the people who did these things or who started the movement were, perhaps, not so perilous and they were not fraught with such danger. But they can sow the wind but they cannot control the whirl-wind; and, perhaps, they have some reservations somewhere in their minds too.

So, when we talk of democracy and we say that this Bill is obnoxious and repugnant to the principles, to the fundamentals of democracy, we forget that many among us have not yet developed that democratic conscience. Many of us do not yet believe that obedience to laws is the basic condition for the functioning of democracy. We pass laws here and we defy them outside. If we do that, then no democracy can function satisfactorily. We know, yet we do not learn that democracy has collapsed in many of our neighbouring countries, and we have many disruptive and subversive forces in our own country. Yet we indulge in such methods which cannot but lead to disaster. So, I say that when we talk of democracy, small things like this Bill which are intended to preserve democracy, should not be treated as being repugnant to democracy.

So far as the principles go, there has been some little confusion, I think, in some of the speeches. The Bill is just asking for the extension of the present Act for three years. It does not make any change. And, we must remember also—and, perhaps, Shri Masani knows that since he made an observation that the Bill that was then introduced should be examined and then we may proceed—that the Bill was examined and examined by a Select Committee of this House and many improvements were made so that the Bill that we have today is very much different from the Bill that was introduced in 1950. But all agree, I think, that so far as the objects of the Bill are concerned, they are laudable. The maintenance of public order, the Defence of India, the maintenance of supply and services and the protection of the country against foreigners are all, I think, acceptable to everyone in this House. If there is anyone who is disinclined to fall in line with others in this regard, then, of course, he may even say that these objects, by themselves are not desirable. But nobody has said so. And, even as to the method of detention, I say, in a way, the principle has been accepted......

Some Hon. Members: No, no.

Shri G. B. Pant: I know that you would say. 'No'. Some of them, for example, Shri Mukerjee. would have no objection to such a Bill or even to a more severe measure being....

Shri H. N. Mukerjee (Calcutta—Central): What I said was that I would understand the position if the Act was applied in a particular brand of cases. But, I did not say just any such thing.

Shri G. B. Pant: I am not saying that your observation went beyond that. That is enough for my purpose. Shri Mukerjee would have no objection if the method of detention had been put in operation against certain classes of people and had been applied to, as he said, 'certain brand of cases'.

So far as Shri Asoka Mehta is concerned, his speech is a sort of regret that the Act had not been freely used against the subversive elements and also Shri Masani said that he—and whether Shri Mehta agreed with him or not, I cannot say—would not, perhaps, be sorry if subversive elements, as they are called, were not only subject to a Bill like this but we had some law to ban them altogether. Well, we do not want to ban them like that just now. But, why should he have any objection if they are detained for a year when he wants them to be ousted out of this House and to be ousted out of or hounded out of civilised society in a way for all time to come? After all such a period is better than a long one. Anyway, as I said, the principle of the Bill is concerned, it seems to be acceptable to all.

Some Hon. Members: No, no.

Shri G. B. Pant: I never expected that everyone there would accept logical arguments or would be influenced by reason; but still, I continue to hope that light and good sense might dawn some time or other

An Hon. Member: On you.

Shri G. B. Pant: So, I say that so far as basic matters go, there seems to be no basic difference. As I said, there seems to be some confusion. Some of the hon. Members thought of articles 553 or 358 and they thought that it was only when an emergency was declared under these articles that a Bill like this would be admissible. But that is not the position at all.

This Bill forms part of the chapter relating to Fundamental Rights. Article 22 forms part of the Chapter relating to Fundamental Rights and it is included there so that those Funda-

[Shri G. B. Pant]

mental Rights may be preserved when it is necessary to do so by this procedure. That is the reason why this provision—article 22—appears in the chapter under Fundamental Rights. The chapter relating to emergency is entirely a different one; it is almost at the end of the Constitution and it contains articles 352, 358 and so on. So, it is not a question of emergency of that character for in an emergency of that character, if a declaration is made under 352, it will result in the suppression of all civil rights.

14 hrs.

So, there is this difference which must be borne in mind. Now, Shri Bharucha, I think, in the course of his speech said that this was a bad law, a lawless law and....

Shri Naushir Bharucha (East Khandesh): I said it was worse than the Rowlett Act.

Shri G. B. Pant: ....and something worse than the Rowlett Act. I was not surprised because he often speaks in superlative and hyperbolic terms.

Shri Naushir Bharucha: No.

Shri G. B. Pant: He also said, that, for instance, the UK did not take any such action during the war. But he forgot that the *habeas Corpus* was suspended during the First War as well as during the Second War in UK.

Shri Naushir Bharucha: I said that it could be justified in a war or in grave national peril.

Shri G. B. Pant: You said that even then it would not be justified.

Shri Naushir Bharucha: Not a measure like this.

Shri G. B. Pant: It is, I think, much lighter than that. There is another thing which perhaps may not have come to your notice. Not only was the *habeas corpus* suspended but the Home Minister there was authorised to detain anyone for any length of time without referring to any advisory board or to any court whatsoever.

Shri Naushir Bharucha: When there is a world war, I will support you.

Shri G. B. Pant: I hope it will never come. So far as the basic principles go, we should agree that, circumstanced as we are, we have to agree to the extension of this measure.

Then, it was said that when these statistics were examined, it was found that more than half of the cases had occurred in Bengal and after Bengal came Bombay. Prof. Mukerjee enquired—I do not say in a spirit of injured innocence—Why so? Because you are very active there—that is the reason. Every third month, if not at even shorter intervals, there is some movement. There is the refugee movement....

Shri Sadhan Gupta (Calcutta—East): So, the cat is out.

Shri G. B. Pant: ....there is the food movement; there is the price movement. These people go about, roads are obstructed; they lie on the railway track; the railways cannot move; life is completely paralysed in Calcutta. And there were occasions when considerable loss of life as well as property was caused of which of course he could not be altogether unaware. So, action had to be taken there.

In Bombay something in a smaller scale happened. But even now the memory of those days, though I think not completely effaced, does not serve as a warning. I was just reading that the Samyukta Maharashtra Samiti had said that if by some date in January—which I do not exactly remember—their demands regarding the demarcation of the boundry or readjustment of the boundary between Mysore and Maharashtra are not fulfilled, then they would launch satyagraha. They had launched satyagraha first in Mysore but there they were good enough to withdraw it or it might have fizzled out, I do not know. Now that satyagraha has to be carried within Maharashtra itself and some districts have been named there. Then, within that State, we have also this Naga Vidharbha *Andolan* which has in a way affected even the attitude of my revered friend, Dr. Aney, towards these problems. There we know what in the name of satyagraha was done and what havoc was wrought in Nagpur in May this year and also what programme they have for the future. If these satyagrahas are to persist like this, there will be no peace in the country. And then we had the speech of Shri Indulal Yajnik, the observations of Shri Braj Raj Singh and Shri Prabhu Narayan Singh about what was in store. So far as Shri Yajnik is concerned, the cult of satyagraha has now become an article of faith with him and it will be carried on from day to day and he says that unless he agrees with a lawful order or with the provisions of law passed by the legislature, he will have to resort to satyagraha. If such are the declarations of responsible persons, how can we withdraw the Bill or place the entire community in a state of jeopardy and in peril—they also said—in a condition which will ultimately lead to complete cessation of civic order in the country.

Sir, some references were made to some of the cases of those who had been detained. There was a reference to Master Tara Singh's case. I do not want to place before this House the charges that are contained in the notices that were given to him. But I might just bring to the notice of Shri M. R. Masani in particular because he had pleaded for him and also condemned the Government. The Swatantra Party appointed a committee of which Shri K. M. Munshi was the Chairman, and Shri N. C. Chatterjee, Senior Advocate, Supreme Court, Shri Kartar Singh Cambelpuri, retired judge of PEPSU and Shri C. B. Agarwala, retired judge, were members. This Committee had stated at page 15 thus:

> "In this connection, the only point to be considered is whether it would have been in the interests of public order or general public interest to impose restrictions on the elaborate programme through which the resolution of May 22nd was to be implemented. According to the programme, Master Tara Singh was to start on May 29th, from Maliksaheb at Amritsar at the head of the *Shaheedi Jatha*, that is, a band of martyrs of 11 volunteers by bus and on foot. The jatha was to pass through Tarn Tarn and several other places—Jullundur, Adampur, Hoshiarpur, Nangal, Rupar, Panipat, Sonepat and so on, to reach Delhi on June, 12th at 3.20 p.m. On the way, Master Tara Singh was to address meetings, presumably in the gurdwaras as well as in the public, to whip up enthusiasm among the Sikhs to join the proposed procession, to parade at the head of a procession, which was expected to reach the strength of over a lakh, through the streets of the capital on June 12th and to present the demand for Punjabi Subha to the Government of India.
>
> In the course of carrying out the gigantic agitational activity throughout Punjab proposed by the Akali Dal, if at any stage, the programme had miscarried or its implementation met with a counter-demonstration, the effect on public order and general public interest might have been prejudicial."

In the circumstances, in the situation which existed in Punjab in the third week of May, 1960, in the interest of public order and in the interests of the general public some restrictive action on the part of the Punjab Government was necessary after May 22nd, to prevent the implementation of the programme according to which a *Shaheedi Jatha* was to go through Punjab in a whirlwind campaign to

[Shri G. B. Pant]

address several lakhs of Sikh to go into a procession in Delhi.

This is from the horse's own mouth.

Shri M. R. Masani: Will the hon. Minister kindly place the report on the Table of the House in accordance with convention?

Shri G. B. Pant: I do not know there was. But I have already taken a lot of time and I think I need not....

Shri M. R. Masani: I requested the hon. Minister to place a copy of the report on the Table of the House, having quoted from it.

Shri G. B. Pant: I will place it. I have no objection. It is a printed document and even if I do not place it on the Table of the House, Shri Masani can I think get copies from his office and place them here and distribute.

Shri M. R. Masani: Not at the moment.

Shri G. B. Pant: There was the other case to which reference was made by Shri P. N. Singh himself. I had occasion to make a statement about that case here. So far as facts go, I think it is not disputed that civil disobedience was organised all over the State of Uttar Pradesh by the Socialist Party. Chandauli and Chakia in Varanasi district were placed under Shri P. N. Singh's charge. According to the statement made previously, he exhorted and incited people to enlist as volunteers and contribute funds in support of a movement in defiance of the law and disturbance to public order in Varanasi district, and in other ways also he incited people to cut down trees in the northern Chakia forests and occupy land forcibly. He was also exhorting people to picket tahsils and other public offices, make breaches in canals, forcibly occupy parti land . . .

Shri Braj Raj Singh: It is the imagination of the Home Minister of Uttar Pradesh.

Shri G. B. Pant: ....to pull alarm chains of trains and also otherwise defy the law. I did not hear what the hon. Member said.

Shri Braj Raj Singh: I said that the breaches of canals, cutting of the trees, etc., is purely the imagination of the Home Minister of Uttar Pradesh. There was never such a programme of the Socialist Party.

Shri G. B. Pant: Leave aside that part. (*Interruptions*).

Shri Jagdish Awasthi (Bilhaur): Read out the judgment of the high court.

Shri G. B. Pant: It is enough for taking action under the Act. What I would like to emphasise is that there is no question of *mala fides* involved in the case, when the facts are absolutely correct. The high court released the hon. Member because there were irregularities and it could do so only on the ground of irregularities and non-observance of the rules. So, there were irregularities, but in a case where the case is concocted, in that case, due care is taken not to have any such irregularities. It is only when the facts are correct and one is cocksure about the position.

Shri Sadhan Gupta: Inadvertence.

Shri G. B. Pant: So, at least the facts I think do not stand disputed even now.

Shri Braj Raj Singh: The movement was launched all over Uttar Pradesh. Why the people from other districts were not detained and why only Shri P. N. Singh and another were put in jail? (*Interruption*).

Shri G. B. Pant: I think some other people were detained. I cannot say the exact number. 2,000 persons at least were arrested.

Shri Braj Raj Singh: The point is that where we are advocating breach of the law we are prepared to suffer for it, but I may tell you for your information that only Shri P. N. Singh and another person in Varanasi were arrested and none else in the whole of Uttar Pradesh were arrested.

An Hon. Member: They are leaders.

Shri G. B. Pant: I can only say that if hundreds of people were detained, then it is but proper that such action should have been taken, but if it was not taken elsewhere, then I do not think that necessary precautions were observed; It is not desirable to make some people.... (*Interruption*).

Mr. Speaker: I believe the extraordinary position of Members of Parliament, their status and prestige, have been duly taken into account.

Shri Braj Raj Singh: Except Shri P. N. Singh and another, none else were detained.

Mr. Speaker: Were they Members of Parliament?

Shri Braj Raj Singh: Another Member of Parliament, Shri L. Achaw Singh, was detained in Manipur under the direct jurisdiction of the Home Minister here.

Mr. Speaker: That is what I have said. Members of Parliament have got a status and a position.

Shri G. B. Pant: Because at least Members of Parliament are expected to observe the laws which they are here framing and not to infringe or violate them. So, their breech of such laws is, I think, doubly condemnable.

Sir, there was reference by Shri Vajpayee to the case of some Jan Sangh leader or someone connected with Jan Sangh in Calcutta. Well, I do not want to go into the details of that case, but there were reasons, and serious enough, for taking action in that case. That action was approved by the Advisory Board and also by the High Court. There were *habeas corpus* petitions and they were dismissed by the High Court as well as by the Supreme Court. I think that is a final answer to the charge levelled by him. When such cases have been tried by the courts and besides the advisory boards and the Governments concerned and even the High Court and the Supreme Court have concurred in the orders passed, there can be no ground for any sort of suspicion about the impropriety of the orders that have been passed.

Shri Vajpayee (Balrampur): Is it a fact that the Calcutta High Court has recommended that the detenue should be released as soon as possible but he was not released?

Shri G. B. Pant: I have no knowledge of that. I notice that the *habeas corpus* petition was dismissed.

Shri Vajpayee: But a recommendation was made by the High Court.

Shri G. B. Pant: I do not quite know what recommendation was made by the High Court. In any case, any recommendation has to be considered by the person to whom it is addressed. After that, a petition was also presented, I think, to the Supreme Court. The Supreme Court did not consider it necessary to interfere with the discretion of the executive or to direct them to release the detenu.

There was a reference to another case, the case of Shri Thevar. I do not know how Professor Mukerjee came to espouse such a case for this had come before this House and I had also made a statement, I think, on that. In the district of Ramanathapuram almost anarchy prevailed and 2,000 houses, if not more, of harijans were set on fire, several of them were killed and the gentleman, whose name was mentioned by the hon. Member . . .

Shri Tangamani (Madurai): The point made by Shri Mukerjee was

[Shri Tangamani]

that he was detained under the Preventive Detention Act and then subsequently the detention order was withdrawn. When he was under detention charge-sheets were framed against him for serious offences.

Shri G. B. Pant: He was detained so that the mischief might come to an end. A case could be launched in a regular way after evidence has been collected. But, in the mean time, these mischief-makers could not be allowed to burn more houses of the harijans or to do things which were still worse than that, to which I do not want to refer.

Shri Sadhan Gupta: Could he not be arrested for that?

Shri G. B. Pant: He could be arrested. Sometimes the ring leaders keep in the background and go on pulling the strings from behind.

Shri Sadhan Gupta: So, you had no case against him actually?

Shri G. B. Pant: There was a case against him then.

Shri H. N. Mukerjee: On a point of order. Is it in order for a Member of Parliament's conduct to be impugned directly and also by implication in his absence with reference to the activities for which he could easily have been prosecuted at that time and sentenced? Since that did not happen, is it in order for the hon. Home Minister to make insinuations in the way he is doing by referring to some acts which were not proved as such in a court of law or by any kind of neutral proceeding?

Mr. Speaker: So far as the point of order is concerned, it is rather unfortunate that directly or indirectly Members of Parliament should have anything to do with this. They have to act here as models for the rest of the country. We are working in a democracy, and democracy thrives by discussion, deliberation, persuasion and ultimately decision. If an hon. Member is not satisfied with the way the law is functioning, is he entitled to take the law into his own hands and not allow the Government also to implement the law according to their own thinking? I am anxious that the prestige of this House and the prestige of every hon. Member of this House should be maintained. There are 15 States in this country and the legislators of each State are watching the proceedings of this House. So, it pains me awefully when a reference is made to a Member of Parliament in this way. But if references are made to a Member of Parliament in this way, the hon. Minister is bound to explain the position, though it is rather unfortunate. When the hon. Member was referring to this, my memory immediately went back to the serious agitation and commotion then prevailing there when there was no safety at all for a particular community. There was even a suggestion that the entire administration should be taken over by the Centre. It is unfortunate that an hon. Member of this House should have been dealt with like that. But I do not know if there is any point of order arising out of this.

Shri H. N. Mukerjee: When the judicial proceedings had not been taken against the hon. Member concerned and when he was exonerated in that case, how is it that insinuations can be continued to be made on the floor of this House when discussion and persuasion are supposed to be the instruments of this House?

Mr. Speaker: I have not looked into that judgment. Whatever might be our differences of opinion regarding a judgment, when there is a judgment by a competent authority nothing can be said against that. But then mere acquittal is no good if there are observations against the person concerned. So far as that case is concerned, I do not know exactly what has happened and what has been stated against an hon. Member. But if a court of law has absolutely absolved a person then it is not necessary, nor is it proper, to refer to such matters when they have been set at rest by the judgment of a court of law.

Shri G. B. Pant: Professor Mukerjee brought in the name of Shri Thevar. I did not do it myself. Yes, he did it previously and he quoted it as a case where detention was improper. So, I had to tell the House the circumstances in which the detention order was passed. If anything has been said which is not complimentary to Shri Thevar, I am not responsible. The responsibility for that rests with the hon. Member, who had raised the question when I had to explain the position. I have not seen the judgment but I am sure that so far as facts stated by me about the conditions then prevailing in that area are concerned, they are absolutely correct. In fact, I have underplayed them and not stated them fully, because it is not worthwhile raking up old memories of those ugly incidents.

Mr. Speaker: I believe we have requested the hon. Home Minister to make an on the spot study through the Commissioner for Scheduled Castes and Scheduled Tribes and that excerpts from that should be laid on the Table of the House and also circulated. At that time the whole country was greatly agitated about what was happening.

Shri G. B. Pant: That matter was brought to the notice of the House by the hon. Member. I do not see how any objection can be taken to my giving an explanation when a question is put to me.

Then I have to deal with some other matters. Some credit was taken for the fact that in Kerala the Preventive Detention Act was not resorted to when the Communist Government was in office there. I only wish that section 144 too had not been applied, there had been no cases of firings and men had not been killed, there had not been as many as two hundred lathi or cane charges and thousands, and perhaps more than a lakh of people had not been arrested: If all these could have been avoided by detaining a few persons, I think it would have been far better, enabling a large number to enjoy their civil liberties, than making a sort of parade and saying that we did not apply this Act, but we resorted to firing, used Section 144, prohibited meetings and arrested thousands of people.

"Was it a good bargain?" I ask. I may also say that had greater use been made of this Act when the tragic disturbances took place in Assam, perhaps things would not have been as bad as it had been. So, what we are interested in is the protection of the civil liberty of the masses of the people and if by dealing with individuals who are going to upset even the order of society we can achieve that object, I think it is desirable for their own good; otherwise they too would suffer very seriously, because going to the detention place for a year does not cause much loss to them too. Otherwise, if they are tried for serious offences, perhaps the penalties would have been much more grave and serious too. It is at least in the interest of the people and in the interest of the community.

Sir, all the States who have to maintain order in their respective areas have supported this measure. The duty of preserving order and maintaining tranquillity rests on their shoulders. It is a burden which they have to carry. It is our duty to help them. Parliament has to give them whatever assistance it can. So, I hope that this motion will now be adopted by the House, by most of the Members, if not by everybody.

Mr. Speaker: I shall now put the amendment of Shri Braj Raj Singh, No 1, to vote.

The Minister of Law (Shri A. K. Sen): You have ruled it out of order on the last occasion.

Mr. Speaker: I cannot rule it out as a dilatory motion. It is for the House to accept it or not.

Amendment No. 1 was put and negatived.

Mr. Speaker: I shall now put Shri Banerjee's amendment. Is there any difference between the 15th and the 20th December? At any rate I shall put it to vote.

Amendment No. 4 was put and negatived.

Mr. Speaker: I shall now put amendment No. 2 of Shri Braj Raj Singh .

Amendment No. 2 was put and negatived.

Mr. Speaker: The question is:

> "That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration".

Those in favour will say 'Aye'.

Several Hon. Members: Aye.

Mr. Speaker: Those against will say 'No'.

Some Hon. Members: No.

Mr. Speaker: I think the 'Ayes' have it.

Some Hon. Members: The 'Noes' have it.

Mr. Speaker: Division. Hon. Members will kindly use both the hands.

(At this stage the lights on the indiction board failed).

Shri Jagdish Awasthi (Bilhaur): Even the machine is against the Bill.

Shri Sadhan Gupta: They should withdraw the Bill.

Mr. Speaker: Hon. Members cannot supplement their speeches by these remarks. What is obvious is obvious.

Mr. Speaker: Sometimes the machine plays this trick. It seems to be all right now. I shall put the motion to the vote of the House once again.

The question is:

> "That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration".

The Lok Sabha divided:

Division No. 4] AYES [14·43 *hrs.*

Abdul Latif, Shri
Abdul Salam, Shri
Achar, Shri
Achint Ram, Lala
Agadi, Shri
Agarwal, Shri Manakbhai
Aney, Dr. M. S.
Anjanappa, Shri
Arumugam, Shri R. S.
Asthana, Shri Lila Dhar
Babunath Singh, Shri
Balmiki, Shri
Banerji, Shri P. B.
Bangshi Thakur, Shri
Barman, Shri
Basappa, Shri
Bhagavati, Shri
Bhakt Darshan, Shri
Bhattacharya, Shri C. K.
Bidari, Shri
Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J. B. S.
Borooah, Shri P. C.
Brahm Prakash, Ch.
Chanda, Shri Anil K.
Chandra Shankar, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Desai, Shri Morarji
Deshmukh, Shri K. G.
Dube, Shri Mulchand
Elayaperumal, Shri
Ganapathy, Shri
Ganga Devi, Shrimati
Ghosh, Shri M. K.
Gounder, Shri K. Periaswami

Govind Das, Dr.
Harvani, Shri Ansar
Heda, Shri
Hem Raj, Shri
Hukam Singh. Sardar
Iqbal Singh, Sardar
Jain, Shri M. C.
Jena, Shri K. C.
Jhunjhunwala, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.
Kalika Singh, Shri
Kedaria, Shri C. M.
Keshava, Shri
Keskar, Dr.
Khan, Shri Shahnawaz
Khwaja, Shri Jamal
Kiledar, Shri R. S.
Kistaiya, Shri
Koratkar, Shri
Krishna Chandra, Shri
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lahiri, Shri
Laskar, Shri N. C.
Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Majithia, Sardar
Malaviya, Shri K. D.
Malliah, Shri U.S.
Malviya, Shri Motilal
Manaen, Shri
Maniyangadan, Shri
Mathur, Shri Harish Chandra
Mehta, Shri J. R.
Mehta, Shrimati Krishna
Mishra, Shri R. R.
Misra, Shri B. D.
Misra, Shri R. D.
Mohiuddin, Shri
Muniswamy, Shri N. R.
Murmu, Shri Paika
Murthy, Shri B. S.
Musafir, Giani G. S.
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Naldurgkar, Shri
Nallakoya, Shri
Nanjappa, Shri
Narasimhan, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Neswi, Shri
Onkar Lal,
Oza, Sbri
Padam Dev, Shri
Pahadia, Shri
Palchoudhuri, Sbrimati Ila
Panna Lal, Shri
Patel, Sushri Maniben
Patel, Shri P. R.
Pattabhi Raman, Shri C. R.
Prabhakar, Shri Naval
Radha Mohan Singh, Shri
Radha Raman, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Raju, Shri D. S.
Ram Saran, Shri
Ram Subhag Singh, Dr.
Ramaswamy, Shri S. V.
Rampure, Shri M.
Rane, Shri
Rao, Shri Jaganatha
Rao, Shri Thirumala
Raut, Shri Bhola
Reddy, Shri Viswanatha
Roy, Shri Bishwanath
Sahu, Shri Rameshwar
Saigal, Sardar A.S.
Samanta, Shri S. C.
Samantsinhar, Dr.
Sankarapandian, Shri
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Selku, Shri
Sen, Shri A. K.
Sen, Shri P. G.
Shah, Shrimati Jayaben
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Pandit K. C.
Sharma, Shri R. C.
Shastri, Shri Lal Bahadur
Shastri, Swami Ramanand
Siddananjappa, Shri
Siddiah, Shri
Singh, Shri D. P.
Singh, Shri K. N.
Sinha, Shri Anirudh
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri Satya Narayan
Sinhasan Singh, Shri
Somani, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sumat Prasad, Shri
Swaran Singh, Sardar
Syed Mahmud, Dr.
Tariq, Shri A. M.
Thomas, Shri A. M.
Tiwari, Pandit Babu Lal
Tiwari, Pandit D. N.
Tyagi, Shri
Uike, Shri
Umrao Singh, Shri
Upadhyay, Pandit Munishwar Dutt
Upadhyaya, Shri Shiva Datt
Variravan, Shri A.
Varma, Shri B. B.
Vedakumari, Kumari M.
Vijaya Anand, Dr.
Viswanath Prasad, Shri
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wodeyar, Shri

NOES

Awasthi, Shri Jagdish
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chaudhuri, Shri Tridib Kumar
Gaikwad, Shri B. K.
Ghosal, Shri Aurobindo
Ghose, Shri Subiman
Godsora, Shri S. C.
Gupta, Shri Sadhan
Jadhav, Shri Yadav Narayan
Katti, Shri D. A.
Krishnaswami, Dr.
Kunhan, Shri
Mahanty, Shri
Majhi, Shri R. C.
Manay, Shri
Masani, Shri M. R.
Matin, Qazi
Mehta, Shri Asoka
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Nath Pai, Shri
Nayar, Shri V. P.
Parmar, Shri K. U.
Patil, Shri Balasaheb
Prodhan, Shri B. C.
Rajendra Singh, Shri
Ram Garib, Shri
Ranga, Shri
Rao, Shri T. B. Vittal
Siva Raj, Shri
Soren, Shri Debi
Sugandhi, Shri
Tangamani, Shri
Thakore, Shri M. B.
Vajpayee, Shri
Verma, Shri Ramji
Warior, Shri
Yajnik, Shri

Mr. Speaker: The result of the division is:

Ayes.	170
Noes.	37

The Ayes have it.

Shri Pramathanath Banerjee (Contai): I have voted for the 'Noes'.

Mr. Speaker: He did not get up earlier. I looked around before announcing the result. Anyway, I have no objection. For what did he vote?

Shri Pramathanath Banerjee: Noes.

Mr. Speaker: I will add one to the 'Noes'. Any other hon. Member?

Shri Siva Raj (Chingleput—Reserved—Sch. Castes): Mine also Noes.

Shri K. U. Parmar (Ahmedabad—Reserved—Sch. Castes): Mine also Noes.

Shri Manay (Bombay City Central—Reserved—Sch. Castes): I also vote for the Noes.

Shri R. D. Mishra (Bulandshahr): I am for Ayes.

Shrimati Ganga Devi (Unnao—Reserved—Sch. Castes): Aye.

Mr. Speaker: The final result of the division is as follows:

Ayes—172; Nos—41.

Ayes.	172
Noes.	41

The motion was adopted.

Some Hon. Members: Shame, shame.

Mr. Speaker: The House will now take up clause-by-clause consideration of the Bill. We will take up clause 2.

Clause 2—*Amendment of section 1, Act 4 of 1950*).

Mr. Speaker: Are there any amendments to be moved?

Shri Braj Raj Singh: Sir, I beg to move:

Page 1, line 7,—

for "31st day of December, 1963" *substitute* "31st day of March, 1961". (3)

Shri M. R. Masani: I wish to move amendments Nos. 9 and 11.

Mr. Speaker: Amendment No. 9 is out of order.

Shri M R Masani: Then I move amendment No. 11. I beg to move:

Page 1, line 7,—

for "1963" *substitute* "1961". (11)

Shri Aurobindo Ghosal (Uluberia): I also have an amendment (No. 10) standing in my name.

Mr. Speaker: It is out of order. Shri Braj Raj Singh.

Hon. Members know the scope of these amendments. The only question is whether it should be for three years or for a shorter period. I will allow the hon. Member as much time as I could possibly do. He cannot have a grievance.

श्री ब्रजराज सिंह : अध्यक्ष महोदय, मुझे दुःख है कि गृह मंत्री महोदय ने अपने उत्तर में उन आधारों को नहीं लिया जिनको कि उठाया गया था और अपना केस इस तरीके से रखने की कोशिश की जिस तरीके से कि एक योग्य वकील अदालत में रखता है ।

14·44 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

यह तो माना जायगा कि गृह मंत्री महोदय बहुत अच्छे वकील रहे हैं और उन्हें वही चीज पसन्द होती है जो कि उन के पक्ष की हो । मुझे ताज्जुब है कि आज गृह मंत्री महोदय ऐसा महसूस करते हैं कि गांधी जी ने जिस परम्परा को हिन्दुस्तान में प्रारम्भ किया वह परम्परा सिर्फ इसलिए समाप्त की जानी चाहिए कि

आज वक्त के लिये कांग्रेस की सरकार है । मैं नहीं समझता कि गृह मंत्री महोदय अपने इस सिद्धांत पर दृढ़ हैं . . .

उपाध्यक्ष महोदय : माननीय सदस्य को अभी ताजा याद होगा कि स्पीकर साहब ने क्या कहा है । क्लाज नम्बर २ का स्कोप इतना ही है कि इस एक्ट की मियाद इतनी हो । अब जहां तक गांधी जी के उसूल की बात है तो वह तो एक अलग चीज है और इसकी मियाद बजाय तीन साल के एक साल भी चले तो उस से तो कोई फर्क नहीं पड़ता है। इस क्लाज में तो सिर्फ मियाद के बारे में बोलने का स्कोप है कि वह तीन साल क्यों हो उस से कम वक्त के लिए क्यों न हो ।

श्री ब्रजराज सिंह : मैं दरअसल यह निवेदन करना चाहता हूं कि पहले आपकी व्यवस्थाएं यह हुई हैं कि ऐसे अमेंडिंग बिल में जहां पर कि उस ऐक्ट की मियाद बढ़ाने का प्रश्न हो तो यह तो ठीक है कि हम उसकी मैरिट्स पर नहीं जा सकते हैं और यह कि उस पर अमेंडमेंट्स मूव नहीं करने देंगे लेकिन उसका जो सारा मैटर है उस सारे पर बहस की जा सकेगी।

उपाध्यक्ष महोदय : वह तमाम बहस ५, ६ घंटे हो तो चुकी । अब इस समय तो हाउस के सामने केवल क्लाज नम्बर २ है जोकि मियाद से सम्बन्ध रखता है । बाकी जो सारे उसूल थे उन तमाम पर ६ घंटे बहस हो चुकी है। फिर अभी स्पीकर साहब ने जो फैसला दिया है मैं उस से बाहर कैसे जा सकता हूं ?

श्री ब्रजराज सिंह : अब उन्होंने राय स्पष्ट नहीं की थी और पहले एक फैसला हो चुका है। खैर आपने जो फरमाया सो ठीक है । मैं सिर्फ उदाहरण की शक्ल में रक्खूंगा और जो आपने व्यवस्था दी है उसका पालन करते हुए आगे चलूंगा । अब आज चूंकि कांग्रेस सरकार मौजूद है इसलिए गृह मंत्री महोदय ऐसा सोच लें कि सत्याग्रह उचित नहीं है और कहीं पर कांग्रेसी सरकार न हो और कोई विरोधी सरकार कायम हो हो वहां पर सत्याग्रह या प्रत्यक्ष कार्यवाही उचित समझी जाये, यह ऐसी दलीलें हैं जो कि समझ में आने वाली नहीं हैं । गृह-मंत्री महोदय को यह बताने की जरूरत नहीं है कि अभी उन के जमाने में ऐसा सब कुछ हो चुका है । खैर इस सब को छोड़ते हुए मैं अब यह कहना चाहता हूं कि यदि आपने यह तय कर लिया है कि आपको निवारक नजरबंदी कानून रखना ही है . . .

The Minister of State in the Ministry of Home Affairs (Shri Datar): He is again going into the same question.

Mr. Deputy-Speaker: Now he is coming to that.

श्री ब्रजराज सिंह : मैं आ रहा हूं । असल में उपाध्यक्ष महोदय, दिक्कत यह है कि सन् १९५० में स्वर्गीय सरदार पटेल ने यह बिल पेश करते हुए फरमाया था उसमें और श्री दातार महोदय ौर गृह मंत्री महोदय ने ो फरमाया है, फर्क है। पटेल साहब ने जिस बैकग्राउन्ड को लेकर इस बिल को पेश करते हुए स्पीच ी थी उस बैकग्राउन्ड को हमारे दातार साहब समझते नहीं हैं ौर इसलिए उसे हंसी में उड़ाना चाहते हैं । असल में जब किसी ी आजादी का सवाल पेश हो ो सरकार को उसे बहुत गम्भीरता से लेना चाहिए और उसे हंस कर उड़ाने की जरूरत नहीं है । अगर सरकार ने यह तय ही कर लिया है कि उसे यह डिटेंशन ला रखना है तब मैं यह निवेदन करूंगा कि डिटेंशन ला रखते हुए आप जितनी सुविधाएं दे सकते हैं वे डैटीन्यूज को देने की कोशिश कीजिये ।

उदाहरण के लिये मैं आप से कहता हूं कि आप मूल एक्ट को इस अमेंडिंग बिल के

[श्री ब्रजराज सिंह]

द्वारा तीन साल के लिए बढ़ाना चाहते हैं तो मैं ने क्लाज नम्बर २ पर यह संशोधन दिया है कि आप ऐक्ट को तीन साल न बढ़ाकर केवल तीन महीने के लिए बढ़ाइये । हो सकता है कि दातार साहब को यह सुन कर हंसी आये क्योंकि उनको हंसी आते रहने की आदत है । मैं समझता हूं कि खुद गृह मंत्री महोदय उसके उसूल को जानना चाहते होंगे कि आखिर हम क्यों उसका विरोध करते हैं । कहा जा सकता है कि तीन महीने के कोई मानी नहीं होंगे लेकिन एक बात जरूर मानी जा सकती है और मेरा वह अमेंडमेंट भले ही न मानें लेकिन इस ऐक्ट में ही एक अभी ऐसी व्यवस्था है कि १२ महीने तक के लिए आप किसी व्यक्ति को डिटेन कर सकते हैं, उसको नजरबन्द रख सकते हैं । आप के पास अब भी अधिकार है कि अगर आप चाहें तो एक नियम बना लें और राज्य सरकारों को हिदायत कर दें कि पहले चांस में कोई व्यक्ति ६ महीने से ज्यादा नजरबंद नहीं किया जायगा । आखिर कौन सी ऐसी व्यवस्था है जिस के कि अनुसार आप हमेशा ही एक साल के लिए रक्खेंगे ? आज भी कानून में ऐसी व्यवस्था है कि अगर आप चाहें तो किसी व्यक्ति को १२ महीने से कम के लिये डिटेन कर सकते हैं और कह सकते हैं कि उसे इतने ही महीने के लिए डिटेन किया जायगा । इसलिए आप इस में यह व्यवस्था अथवा तबदीली कर सकते हैं कि कोई भी व्यक्ति पहले इंस्टेंस में ६ महीने से ज्यादा कैद में नहीं रक्खा जायगा । दूसरी बात यह है कि हर साल इस डिटेंशन बिल पर आप बहस करवायेंगे और यह देखेंगे कि इसका वर्किंग कैसे हुआ है ।

उपाध्यक्ष महोदय : लेकिन अगर आपका संशोधन वह मंजूर कर लें ।

श्री ब्रजराज सिंह : मेरा संशोधन न मानें तो मैं यह सुझाव दे रहा हूं । वैसे मेरा संशोधन मानना उन के लिए इतना आसान नहीं है . . . .

उपाध्यक्ष महोदय: पहले तो आप यह कोशिश कीजिये कि आपका संशोधन माना जाय ।

श्री ब्रजराज सिंह : मैं तो यह सोच कर कह रहा हूं कि अगर मेरा संशोधन न माना जा सकता हो तो जो दूसरे सुझाव मैं दे रहा हूं उनको मान लिया जाये । अभी भी इस एक्ट में यह है कि अगर गवर्नमेंट चाहे तो कम के लिये. . . . .

श्री त्यागी (देहरादून) : मैं माननीय सदस्य से जानना चाहता हूं कि अगर उनकी बात को मान लिया जाये कि छः महीने हो, एक साल से ज्यादा न हो, तो क्या उस सूरत में, वह इस एक्ट को मुस्तकिल तौर पर रखने के लिये राजी हो सकते हैं ?

श्री ब्रजराज सिंह : मुस्तकिल तौर पर इसको रखने के लिये हम कभी भी राजी नहीं हो सकते हैं, फिर चाहे वह एक साल के लिये या दो साल के लिये या तीन साल के लिये हो । हम किसी भी सूरत में इसके हक में नहीं हो सकते हैं ।

मैं यह कहना चाहता हूं कि यह जो काला कानून है, जिसको कि लालेस ला कहा गया है, इसके रहते हुये भी जितनी अधिक से अधिक सहूलियतें दी जा सकती हैं, नागरिकों की आजादी के लिहाज से, उतनी सहूलियतें । देने की आपकी तरफ से कोशिश होनी चाहिये । एक साल की इस में व्यवस्था है और यह जो व्यवस्था है इसके अन्तर्गत आप नियम बना सकते हैं, बाहर वालों के लिये नहीं, बल्कि अपने लिये और आप आश्वासन दे सकते हैं कि पहले इंस्टेंस में कोई व्यक्ति छः महीने से ज्यादा के लिये डिटेन नहीं किया जायेगा ।

यहां पर इस सदन के एक माननीय सदस्य का नाम भी लिया गया है। श्री ले० अचौ० सिंह को छः महीने से ज्यादा डिटेन किये हुये हो गये हैं। श्री दातार ने उस दिन बड़ी हंसी में कहा कि वहां की मूवमेंट फिजल आउट हो गई है। लोगों ने माफी मांग ली है। एक बात तो यह है और दूसरी बात यह भी है कि जिस पार्टी ने वहां पर मूवमेंट को चलाया था उसने विधिवत् उसे वापिस भी ले लिया है। अब इस एक्ट में व्यवस्था है कि सरकार अगर चाहे तो सुओ मोटो भी किन्हीं लोगों को डिटेंशन से छोड़ सकती है। मैं पूछना चाहता हूं कि आखिर यह सुओ मोटो, अपने आप ही लोगों को छोड़ने की व्यवस्था जो है, इसे आप कब इस्तेमाल करते हैं ? मैंने आपकी रिपोर्ट को पढ़ा है और वहां पर देखा है कि ऐसे लोगों को भी जिन्हें आप गुण्डा कहते हैं, सुओ मोटो छोड़ दिया गया है। गुण्डों को तो आप सुओ मोटो छोड़ सकते हैं, किन्तु ये जो राजनीतिक व्यक्ति हैं, इनको आप छोड़ने के लिये तैयार नहीं हैं, और वह भी उस सूरत में जबकि आप के अपने कथनानुसार मूवमेंट फिजल आउट हो गई है और जिस पार्टी ने मूवमेंट चलाई थी, उसने उसको वापिस ले लिया है। वह इस सदन के एक माननीय सदस्य हैं, और उनको छोड़ने के बारे में आप विचार करने के लिये तैयार नहीं हैं, जोकि बहुत हैरानी की बात है।

मैं चाहता हूं कि आप आश्वासन दें कि भविष्य में लोगों को छोड़ने का जहां तक संबंध है, आपके पास जो यह पावर है इसका आप और अधिक प्रयोग करेंगे। यह जरूरी नहीं है कि आप एडवाइजरी बोर्ड के सामने जायें। मामले हाई कोर्ट में भी जाते हैं और सुप्रीम कोर्ट में भी जाते हैं। लेकिन ऐसी नौबत नहीं आनी चाहिये। मैं चाहता हूं कि जहां आप यह आश्वासन दें कि छः महीने से ज्यादा किसी व्यक्ति को रोके नहीं रखा जायेगा, उसी के साथ साथ आप यह आश्वासन भी दें कि तीन महीने के बाद उसके केस को रिव्यू आप करेंगे और खुद ही देखेंगे कि क्या ऐसी स्थिति पैदा नहीं हो गई है जिसमें कि उसे छोड़ा जा सकता है। सुओ मोटो छोड़ने की जो बात है, अपने आप छोड़ने की जो बात है, उसके बारे में आप आश्वासन दें कि आप इसका और अधिक इस्तेमाल करेंगे। जिन लोगों को आप रोक कर रखते हैं, जिनको डिटेन करते हैं, उनकी आजादी का आप अपहरण करते हैं। गृह मंत्री महोदय यह नहीं कह सकते हैं कि जिसको वह डिटेन करते हैं, जिसकी आजादी का वह अपहरण करते हैं उसको शायद इससे भी बड़ी सजा दी जा सकती है, लेकिन वह देना नहीं चाहते हैं। जहां तक बढ़ी सजा देने का ताल्लुक है, जो जुर्म करता है, उसको उस जुर्म की सजा आप दें और जितनी बड़ी से बड़ी सजा दे सकते हैं दें, अगर साल से अधिक सजा दे सकते हैं तो वह भी दें। लेकिन यह कह कर कि उसे एक साल के लिये रोक कर हमने उसको माफ कर दिया, यह खुद कानून की अवहेलना है और इसे कोई भी स्वीकार नहीं कर सकता है। जो एडवाइजरी बोर्ड की बात आपने रखी है, उस एडवाइजरी बोर्ड के बारे में आप कहते हैं कि वह ज्यूडिशल है और उसी के साथ साथ. . .

उपाध्यक्ष महोदय : माननीय सदस्य जो कह रहे हैं, वह या तो थर्ड रीडिंग में कहा जा सकता है या फिर जनरल डिसकशन के वक्त कहा जा सकता था। इस संशोधन में इसे कैसे कहा जा सकता है ?

श्री ब्रजराज सिंह : अगर थर्ड रीडिंग में बोलने की आप मुझे आज्ञा दें, तो मैं तब कह लूंगा। यह बहुत जरुरी चीज। है लेकिन मैं इसके बारे में अधिक न कहते हुये अभी समाप्त कर देता हूं।

मैंने तीन महीने की बात कही है। यह बात मैंने इसवास्ते कही है कि आप जनतंत्र को सफल देखना चाहते हैं और जहां तक हमारा

[श्री ब्रजराज सिंह]

संबंध है, हम अपने दिल से चाहते हैं कि हिन्दुस्तान में जनतंत्र सफल हो और उसे हम अपना खून दे करके भी सफल बनाने की कोशिश करेंगे लेकिन इस तरह के कानून बना देने से जनतंत्र सफल नहीं हो सकता। आप कानून किन के लिये बना रहे हैं; क्या उनके लिये नहीं बना रहे हैं जिन को राजनीतिक लोग कहा जाता है ? अभी माननीय मंत्री जी ने कहा कि बेलगाम में इस ऐक्ट का प्रयोग किया गया है, मनीपुर में जहां पर रिसपांसिब्ल गवर्नमेंट के लिए आन्दोलन चलाया गया था, इसका इस्तेमाल किया गया, उत्तर प्रदेश में जहां जनता की मांगों को ले कर सत्याग्रह किया गया था, इसका प्रयोग किया गया, गवर्नमेंट एम्पलायीज की जो जनरल स्ट्राइक हुई थी, उस के सिलसिले में इसका प्रयोग किया गया है, पंजाब में इसका इस्तेमाल किया गया है और क्या यह सब चीजें यह जाहिर नहीं करती हैं कि आपने इस कानून को राजनीतिक व्यक्तियों के खिलाफ इस्तेमाल किया है ? यह किसी भी दृष्टि से उचित नहीं कहा जा सकता है। इसवास्ते मैं प्रार्थना करता हूं कि तीन महीने की बात जो मैं ने अपने संशोधन में कही है, उस को मान लिया जाए, तीन महीने से अधिक इस को न रखा जाए और तीन महीने के बाद आगर आप देखते हैं कि विरोध मजबूत हो गया है और जो आन्दोलन है वह लगातार सालों तक चलता रहेगा, तो मैं समझता हूं कि आपका यह कानून उपयोगी साबित नहीं होगा, इस कानून से कुछ होने वाला नहीं है, इसवास्ते बेहतर है कि इसका इस्तेमाल न हो। अगर आपका मंशा है कि इस कानून के इस्तेमाल से आपके विरुद्ध जो आन्दोलन करते हैं, उनको आप रोक सकेंगे, तो यह आपकी भूल है। जो अमेंडमेंट मैंने पेश किया है वह इसलिए किया है कि तीन महीने के बाद अगर फिर भी इस कानून की आपको आवश्यकता महसूस हो, तो दुबारा इसको हाउस में आप लायें और इस पर बहस करायें । बार बार इस पर बहस करवाते रहने का नतीजा यह निकलेगा कि आपकी नौकरशाही जो बेलगाम हो कर काम करती है, जाली रिर्पोर्ट बनाती है, जरूरत न होते हुए भी आदमी को डिटेन कर लेती है, वह इस मनोवृत्ति की शायद न रहे, वह शायद बदल जाए जो गैर-कानूनी कार्य वह इस समय करती है, नहीं कर सकेगी और इस से जनता को सुरक्षा मिलेगी ।

इन शब्दों के साथ मैं आशा करता हूं कि मेरे संशोधन को मान लिया जाएगा।

श्री गो० ब० पन्त : उपाध्यक्ष महोदय, मुझे खेद है कि कि मैं माननीय सदस्य के हुक्म की तामील नहीं कर सकता हूं।

उन्होंने सत्याग्रह की बात कही है। वह तो यहां पर उठती नहीं है । मुझे एक मिसाल याद आती है । एक आदमी कोई कुंए में गिर गया। उसे निकालने के लिए रस्सी नीचे डाली गई और झटका देकर ऊपर उठाया गया। कोई दूसरा आदमी पेड़ पर चढ़ गया, चोटी पर चढ़ गया, उसको भी फिर नीचे आने में दिक्कत हुई। जिसने पहले उसको निचे कुंए में से निकाला था, वह अक्लमन्द था। उसने कहा उस के भी पैर पकड़ कर झटका दो ताकि वह नीचे आ जाए। उस के पैर पकड़ कर झटका दिया गया जिसका नतीजा यह हुआ कि वह तो नीचे आगया और बच गया —मगर दूसरा आदमी नीचे उसके आने से मर गया। तो मेरा कहने का मतलब यह है कि मिसालों का जहां तक संबंध है, वे हमेशा ठीक नहीं उतरती हैं।

अभी जैसा मैं ने अर्ज किया है, मुझे इस में दिक्कत होती है कि आपकी तजवीज़ को मैं मान सकूं।

Mr. Deputy-Speaker: The question is:

Page 1, line 7,—

for "31st day of December, 1963" *substitute* "31st day of March, 1961". (3).

The motion was negatived.

Mr. Deputy-Speaker: The other amendment?

Shri M. R. Masani: It is the same.

Mr. Deputy-Speaker: That is withdrawn with the permission of the House.

Amendment No. 11 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clause 1, Enacting Formula and Long Title stand part of the Bill".

The motion was adopted.

Clause 1, Enacting Formula and Long Title were added to the Bill.

Shri G. B. Pant: I move:

"That the Bill be passed".

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Shri M. R. Masani: Sir, I had no intention of intervening in the Third Reading of this Bill, having said what I wanted to earlier. But, certain things that have been mentioned by the hon. Home Minister this morning make it necessary for me to do so. I say that because, the hon. Home Minister's words, by virtue of his office, his eminent position in our public life and the weight of his personality, are entitled to a great deal of weight in this House. I feel that if certain things he has said were not rectified, if some misunderstandings were not removed, it would not be right—to allow those remarks to pass without clarifying the matter further.

I am opposing this Bill at this stage to make it perfectly clear that I and my Party are opposed to the principle of preventive detention.

The hon. Home Minister referred to certain remarks I made in this House at the time of the original introduction of the Bill, in 1950, and indeed, in my own earlier remarks here I had summarised from that speech. Even now, I would not like to take the time of the House to read a large part of it to prove what I want to say, but if the hon Home Minister will look at page 8897, in the last sentence of my speech I had made that position clear. I said:

> "I make this plea to the hon. Home Minister. It would be greatly appreciated if this Bill, which is a hasty improvisation, could be replaced at the earliest possible time by a well-conceived, well thought out measure which does not shirk the issue, which goes to the root of the mischief and which frankly takes its stand for the defence of democracy against totalitarian aggression from within or without."

15 hrs.

If the hon. Home Minister casts his eyes through that speech, he will find I made a concrete proposal, that is, rather than threaten the individual liberties of individual Indians of all persuasions by preventive detention without trial, the more principled way would be to follow the example of countries which I mentioned, countries like Brazil and Chile, where Acts of Parliament had been passed to outlaw the Communist Party. Those Acts of Parliament were challenged in a court of law, and after hearing both

[Shri M. R. Masani]

sides, in the case of Brail, highest court of the country came to the conclusion that the Communist Party of Brazil did not believe in the democratic Constitution of that country, that wherever they came to power, in Brazil or outside, they were apt to establish a one-party dictatorship and liquidate all opposition, that they did not believe in the fundamental rights of the human being and that they were financially and otherwise directed by a foreign power. After that it became a crime under the ordinary law of the country to be a member of that unlawful organisation, and any member who was found participating in its activities was put up before a court of law, convicted and sentenced.

Now, I am sure the hon. Home Minister may hold the view that this is much more drastic than what he is doing, but I do say that this is something quite different from preventive detention because, in this process, there is no stage at which a man is deprived of his liberty without being produced before a court of law, tried for a breach of the law of the country and then convicted and sentenced by a decision of the court. As I said, on this there may be different points of view. I am not saying this should be done nere and now. What I do say is that it is a more principled path because it isolates a group of people who cannot be trusted to enjoy the liberties from the rest of the nation which is entitled to the rule of law and no preventive detention. It is important to make this distinction.

The hon. Home Minister referred to the fact, which was undoutedly true, that in Britain during war time a similar power of preventive detention was given to the Home Secretary. But may I remind him that, even in the middle of the war, the Home Secretary, Mr. Herbert Morrison, decided to release Sir Oswald Mosley, well-known for his Fascist and pro-Nazi sympathies?

Shri A. K. Sen: Only in 1944.

Shri M. R. Masani: Well, during the war, if not in the middle. It was near the end of the war, but while war was still on, while Britain was still at war with Germany and the war had not ended in Europe. When that action was taken, no less a person than Mr. Winston Churchill, no soft, sloppy sentimentalist but a great upholder of the rule of law and also of law and order, as we know in our country, made the following observation:

> "The power of the Executive to cast a man into prison without formulating any charge known to the law and particularly to deny him judgement by his peers for an indefinite period, is in the highest degree odious, and is the foundation of all totalitarian governments whether Nazi or Communist. It is only when extreme danger to the State can be pleaded that this power may be temporarily assumed by the Executive. And even so, its working must be interpreted with the utmost vigilance by a free Parliament".

I am mentioning this because the Home Minister did make a reference to the U.K. today, and I thought it was timely that the House should realise in what light the great leader of the British people during the war, Mr. Churchill, who was Prime Minister, interpreted it and was against the use of this power except in extreme danger when the existence of the State was threatened. I do not think any of us, even the Home Minister, would claim that we are in extreme danger, that the existence of our free Constitution and State, is in danger today.

One final point. Reference was made to the case of Master Tara Singh, to whom I referred in my speech, and the Home Minister sought to give the House the impression that the report of the Punjab Enquiry Committee appointed by my own party, led by Dr. K. M. Munshi, had come to a conclusion that would support in any way the preventive detention of Master Tara Singh. I am very happy at this implied compliment that has been paid to the objectivity and fairmindedness of Dr. Munshi and his colleagues, and therefore to my Party which appointed them, by the hon. Home Minister who relied on that document. But in fairness both to Master Tara Singh, who is unable to speak for himself because he is being held in isolation under this Act and also in fairness to the Munshi Committee, I think I should complete the record. The Home Minister quoted from one part of the report. May I just quote one or two other passages which will complete the picture? In the last sentence of the report, the last paragraph where "General Conclusions" is the heading, the Committee comes to the conclusion while realising the difficulties of the Punjab Government that the various actions taken by it to meet the emergency on the whole have been excessive, indiscriminate and taken with a view to strike terror. We are not concerned with the wider issue of Punjab and civil liberties, but we are concerned with the preventive detention of Master Tara Singh. On that particular point, this is what the Committee has to say.

There are two pleas to justify the detention of Master Tara Singh to which it refers and then makes comments. The first is that of planned violence. It says:

> "As regards the allegation of planned violence made by the Chief Minister of the Punjab on June 3, 1960, we note that presumably taking the cue from the Chief Minister, several persons of standing have repeated the charge in the press".

Mr. Deputy-Speaker: It would not be in order to take up individual cases in the third reading.

Shri M. R. Masani: But the individual case was referred to, and injustice is being done both to a committee of enquiry and to the person concerned. You will permit me, in view of that, to correct the record because the facts should be known to the House.

Mr. Deputy-Speaker: That was general discussion, and a reply was being made to the points made by hon. Members. Now it is third reading, whether the Bill be passed or not.

Shri M. R. Masani: The reason for opposing the passing of the Bill is that in my view it is being misused in a case where it should not be applied, and this is an illustration. In fairness to the parties concerned....

Mr. Deputy-Speaker: Illustrations in the third reading?

Shri Ranga (Tenali): It is only one or two sentences.

Shri M. R. Masani: I will read from the summary to make it just two sentences; I will not go into the details. The same ground is covered in the summary. Let me read one sentence each from the summary. These are the suggested motives for the preventive detention:

> "Plea: planned violence.—We find no evidence to justify the charge of planned violence made by the Chief Minister against the Akali Dal.
>
> "Plea: conspiracy with Pakistan.—The allegation of conspiracy with Pakistan made by the President of the State Congress, Sardar Darbara Singh, even if remotely true, is very serious. Without expressing any definite opinion about this charge, we would, in view of the gravity of it, permit ourselves to say that if the charge has the slightest justification, appropriate proceedings should have been taken by the State against Master Tara Singh; if unfounded, it was made with utter irresponsibility."

Sardar Iqbal Singh (Ferozepur): What about the communal movement that Master Tara Singh is leading?

Shri M. R. Masani: I am not yielding.

It shows that on the specific charges or suspicions on which preventive detention is based. the finding of the Munshi Committee has gone clearly against those who think that any justification exists. Therefore, while it has said many things which are fair and has tried to understand both sides of the case, it would not be fair to leave the impression that there is anything in this report which would justify for one day the continued detention of Master Tara Singh; and I hope it would be terminated immediately in the wider interests of this country.

Shri Sadhan Gupta (Calcutta—East): I oppose with the greatest emphasis at my command, the Home Minister's motion that this Bill be passed. The only reasons given for the passage of this Bill is that it seeks to suppress certain anti-social activities, that it contains safeguards, and that High Courts and the Supreme Court have endorsed the action of the executive in different cases. I shall try to tear these fallacious arguments to pieces and then give one or two reasons why it should not be passed.

It has been said that this Act is designed to prevent acts prejudicial to the maintenance of public order, the security of the State, the security of India, or foreign relations, violence, goondaism and so on. Most of those in this House who really do not know what the Act is would think that certainly this is something which needed to be safeguarded, and, therefore, they would perhaps think that it is a law worth continuing on our statute-book. I want to make it very clear that this Act is not aimed at any of the anti-social elements. This Act does not penalise goondaism or violence or any other kind of anti-social act. What this Act provides for is that if any officer—he may be a district magistrate, or a commissioner of police or a secretary in the secretariat,—is of opinion that a person is a goonda or a person is going to act in a certain manner, then he can pass an order saying that that person is to be detained without giving him a trial, without enabling him to offer his defence, without giving him legal aid and so on. The real question is whether we are going to permit our statute-book to be blackened by an Act of this kind, whether when the courts are there, we are going to tolerate a law which would give to a secretary or even to a police officer the right to judge whether a citizen of the country is guilty of a certain act. But that is what this Act seeks to do.

It is being said, 'Oh, you have the protection of the advisory boards.'. Well, what is the advisory board? Only such materials as the Government chooses are placed before the advisory board. The detenu is not entitled to any legal assistance before the advisory board. Under these circumstances, the proceedings before the advisory board are only a farce and nothing else.

Then, it has been said, 'Well, the High Courts and the Supreme Court have upheld our position. What have you to say to that?'. What have the High Courts and the Supreme Court said? They have only said that the letter of the law has been complied with by the executive. The High Courts and the Supreme Court, have been deprived of all powers to enquire into the propriety of the detention. I can make bold to say that if the High Courts and the Supreme Court were empowered to make an enquiry into the grounds of detention, many of the black acts of the executive would have been exposed before the world. Therefore, this argument about the High Courts and the Supreme Court endorsing the action of Government should not have been brought forward in all propriety; it is a misleading argument which clouds the issue, which confuses the issue, and which does not enable us to arrive at proper conclusions.

Having dealt with these fallacies, I would reinforce my reasons by a few observations as to how this Act has been applied. It is said that this Act was needed to preserve order in the country. In actual practice, we find that this Act has been applied to suppress the urges of the people; it has been applied in the interests of undemocratic repression. And we find that in most of these cases, the people have turned out to be right and the executive have turned out to be wrong, and in spite of that, untold misery has been inflicted through the application of this Act.

In 1953, this Act was applied in Bengal for detaining hundreds in connection with the tram-fare enhancement resistance movement. If the authorities had the good sense of yielding to that movement, people would not have been killed, so many persons would not have been detained, but it was after it went on for a whole month only that Government gave up its intransigence and appointed a tribunal consisting of the High Court judge, and the tribunal fully justified the people's stand and gave an opinion against the enhancement of fares.

This Act was used also on a large scale against the Samyukt Maharashtra movement. And what do we find Samyukt Maharashtra had to come. And yet. hundreds of people, hundreds of leaders belonging to all parties had been oppressed, and hundreds of people belonging to all parties have been oppressed by the use of this black law.

The same may be said about the Maha Gujarat movement and the other movements. The movements did succeed. They were bound to succeed, because they were just movements. But this law was called into service, because the Government wanted to maintain its own undemocratic position, and, therefore, to suppress the movement. if it could; but when it found that in spite of the use of the Preventive Detention Act and other repressive measures.......

Mr. Deputy-Speaker: The hon. Member is discussing the policies of the Government in Bengal and so on. Those things are not warranted here in the third reading stage. I have borne with him for some time, but it would be difficult to do so any further.

Shri Sadhan Gupta: I am arguing why the Bill should not be passed, and why Government should not be given these powers.

Mr. Deputy-Speaker: He takes refuge under the argument that the Bill should not be passed, but he goes into other things that cannot be permitted here. He is giving instances about Government policies in not agreeing to Maha Gujarat, Samyukt Maharashtra and so on. He is discussing those things.

Shri Sadhan Gupta: At least, a few words had to be said as to how they came about.

I am saying that it was applied wrongly. In this context, the platitudes about democracy and about how we should observe the laws etc. become absolutely irrelevant. It is true that we should observe the laws that are passed, but then there is a limit to tolerance. If starvation is inflicted day in and day out, if the prices run so high that you cannot buy your essentials, what can the people do except to draw the attention of Government by peaceful demonstrations? They have all been peaceful. unless Government had interfered and made them violent. We have had so many demonstrations in Calcutta, but not one case of violence was there.

Therefore, I submit that there is no case for continuing this Act on the statue-book. The only contingency in which a drastic legislation of this

[Shri Sadhan Gupta]

kind can be permitted is when the country is in such imminent danger that very unusual laws have to be resorted to. I do not think that in his honesty, any Minister on the other side can say that the country is really in such an imminent danger. We are passing through normal times. If there is any danger, it should be checked by the ordinary laws. There will be in every country many dangers to society, crimes, dacoities, murders etc. They take place in every country, and they are dealt with not by preventive detention but in the ordinary course of law. What is the difference in our country? What is the greater danger in our country than in other places?

Mr. Deputy-Speaker: The hon. Member should conclude now.

Shri Sadhan Gupta: Therefore, I oppose with all the emphasis at my command the passage of this Bill and I strongly recommended to this House that this Bill should be thrown out altogether and our statute-book should not contain the blot of this legislation.

Some Hon. Members *rose*—

Mr. Deputy-Speaker: Shri Braj Raj Singh has spoken only some time ago. He assured me that he would not ask to speak again. I cannot now allow him another opportunity in the third reading stage. Shri Mahanty has also spoken—at the second stage.

Shri Mahanty (Dhenkanal): No.

Mr. Deputy-Speaker: He spoke at the discussion stage.

Shri Mahanty: Yes.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The Business Advisory Committee had allotted 5 hours for this.

Mr. Deputy-Speaker: That has been exceeded.

Shri Satya Narayan Sinha: There must be some limit.

Shri Mahanty: Here is a matter...

Mr. Deputy-Speaker: Even if we spend another two hours on it, the matter will ultimately have to be decided only by the vote of the House.

Shri Braj Raj Singh: We can make useful suggestions to Government.

Mr. Deputy-Speaker: He has just had that opportunity.

Shri Braj Raj Singh: I was checked. I want only 5 minutes.

Mr. Deputy-Speaker: Even the time that was extended has been exceeded.

Shri G. B. Pant: I do not propose to make any elaborate speech. In fact, I have already inflicted one on the House.

Shri M. R. Masani referred to his own speech that was delivered by him. I quoted him and I did not say anything that came out of my own mind or for the creation of which I could be held responsible. If what he said was different from what is stated in the report, then I have nothing more to say.

Shri M. R. Masani: I also rely on the report.

Shri G. B. Pant: Then if two parts of his speech were inconsistent, I am not to blame

Shri M. R. Masani: There is no inconsistency in my speech.

Shri G. B. Pant: If what I said was consistent with what he has said, then there is no difference between us.

So far as the other matter is concerned about Master Tara Singh, the Committee, the Swatantra Party Committee, has given a whole chapter to it. Having stated the facts, it has come to the conclusion that restrictive orders were necessary.

Shri M. R. Masani: But excessive.

Shri G. B. Pant: No.

Shri M. R. Masani: Excessive and indiscriminate.

Shri G. B. Pant: Let us not confuse things. So far as Master Tara Singh's case is concerned, they definitely stated that restrictive orders were necessary.

Shri M. R. Masani: No, Sir.

Shri G. B. Pant: I have read out that portion. In other places, they have said that all that was done was not perhaps necessary. But so far as the particular case is concerned, the only inference that one can draw from their remark comes to what I have said, and no one can hold a different opinion. Apart from these things, I do not think there is much calling for any reply.

Shri Sadhan Gupta thinks that there have been cases in which the Government have revised their opinion. The Government will ever keep an open mind on every matter. But what democracy demands is that things should be settled peacefully by ballot and not by direct action or by violent means. I think if Shri Sadhan Gupta agrees with this principle, there is no difference between us. If he does not agree with this, obviously, he does not stand for democracy. (*Interruptions*).

Some Hon. Members: What about Kerala.

Shri G. B. Pant: Now the Nag-Vidarbha Samiti is carrying on agitation for the separation of Nag-Vidarbha from Maharashtra. I do not know what is the advice of Shri Sadhan Gupta on this.

Shri Sadhan Gupta: Not to preventively detain people.

Shri G. B. Pant: Not to preventively detain, but let people break each other's head.

Shri Sadhan Gupta: Prosecute them under the ordinary law.

Mr. Deputy-Speaker: Order, order.

Shri Sadhan Gupta: He has asked for my advice.

Mr. Deputy-Speaker: He is addressing me. That advice is not to be given immediately.

Shri G. B. Pant: I sought his advice, but he did not give thought to the question and just blurted out something. So I cannot attach much importance to such vague expressions. The point was very clear. The question is whether, because the agitation is going on, we must now revise our decision about Maharashtra and take away Nag-Vidarbha from the Maharashtra area. To that he has no answer to give.

Shri Sadhan Gupta: We will oppose it.

Shri G. B. Pant: I do not mean to pursue the matter further. I just request you to put the matter to the vote so that the Bill may be adopted.

श्री ब्रजराज सिंह : इस ऐक्ट की दफा ४ में आपने कहा है कि कुछ रेगुलेशंस फौर आर्डर्स बना सकते हैं कहीं रूल का विधान नहीं है। लेकिन क्या यह सत्य है कि कुछ राज्यों और खास कर दिल्ली प्रशासन ने कुछ रूल्ज बनाये हुए हैं जो रूल्स कि मौलिक अधिकारों के खिलाफ जाते हैं जैसे जेल मै जा कर पुलिस के इंस्पैक्टर द्वारा आप इंटरव्यू करायेंगे और उनसे कुछ मामलों का पता लगायेंगे ?

श्री गो० ब० पन्त : मुझे कोई इल्म नहीं है किसी ऐसे रूल के बारे में जो कि मौलिक अधिकारों के खिलाफ हो।

उपाध्यक्ष महोदय : क्या आप यह जनरली एक्सपेक्ट करते हैं कि वह मौलिक अधिकारों के बरखिलाफ होगा ?

15.29 hrs.

[MR. SPEAKER *in the Chair*]

Mr. Speaker: The question is:

"That the Bill be passed."

The Lok Sabha divided.

Division No. 5]

AYES

[15.32 *hrs.*

Abdul Latif, Shri
Achal Singh, Seth
Achar, Shri
Agadi, Shri
Agarwal, Shri Manakhbhai
Aney, Dr. M. S.
Anjanappa, Shri
Arumugam, Shri R. S.
Ashanna, Shri
Asthana, Shri Lila Dhar
Babunath Singh, Shri
Balmiki, Shri
Banerjee, Shri P. B.
Bangshi Thakur, Shri
Basappa, Shri
Bhattacharya, Shri C. K.
Bidari, Shri
Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J.B.S.
Brahm Parkash, Ch.
Brajeshwar Prasad, Shri
Chandak, Shri
Chandra Shankar, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Damar, Shri
Das, Shri N. T.
Dasappa, Shri
Datar, Shri
Desai, Shri Morarji
Deshmukh, Shri K. G.
Dube, Shri Mulchand
Dublish, Shri
Ganapathy, Shri
Ganga Devi, Shrimati
Ghosh, Shri M. K.
Gounder, Shri K. Periaswami
Govind Dass, Seth
Harvani, Shri Ansar
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Iqbal Singh, Sardar
Jagjivan Ram, Shri
Jain, Shri M. C.
Jena, Shri K. C.
Jhunjhunwala, Shri
Jogendra Sen, Shri
Jogendra Singh, Sardar
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Kalika Singh, Shri
Kedaria, Shri C. M.
Keshava, Shri
Keskar, Dr.
Khan, Shri Sadath Ali
Khan, Shri Shahnawaz
Khwaja, Shri Jamal
Kistaiya, Shri
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lachhi Ram, Shri
Lahiri, Shri
Laxmi Bai, Shrimati
Maiti, Shri N. B.
Majithia, Sardar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Malliah, Shri U. S.
Malviya, Shri Motilal
Maniyangadan, Shri
Mathur, Shri Harish Chandra
Mehta, Shrimati Krishna
Mishra, Shri L. N.
Mishra, Shri R. R.
Mishra, Shri B. D.
Mohiuddin, Shri
Muniswamy, Shri N. R.
Murmu, Shri Paika
Murthy, Shri B. S.
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Naldurgkar, Shri
Nallakoya, Shri
Nanda, Shri
Nanjappa, Shri
Narasimhan, Shri
Naskar, Shri P. S.
Nayar, Dr. Sushila
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Oza, Shri
Padam Dev, Shri
Pahadia, Shri
Palchoudhuri, Shrimati Ila
Panna Lal, Shri
Patel, Sushri Maniben
Patil, Shri Nana
Pattabhi Raman, Shri C. R.
Raghunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Raju, Shri D. S.
Ram Saran, Shri
Ram Subhag Singh, Dr.
Ramakrishnan, Shri P. R.
Ramaswamy, Shri S. V.
Ramdhani Das, Shri
Rampure, Shri M.
Rane, Shri
Rangarao, Shri
Rao, Shri Jagannatha
Reddy, Shri Viswanatha
Roy, Shri Bishwanath
Rup Narain, Shri
Sadhu Ram, Shri
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Satyabhama Devi, Shrimati
Selku, Shri
Sen, Shri A. K.
Sen, Shri P. G.
Shah, Shrimati Jayaben
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Pandit K. C.
Sharma, Shri R. C.
Shastri, Swami Ramanand
Siddananjappa, Shri
Siddiah, Shri
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri K. N.
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Satya Narayan
Sinhasan Singh, Shri
Somani, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sumat Prasad, Shri
Swaran Singh, Sardar
Syed Mahmud, Dr.
Tahir, Shri Mohammed
Thomas, Shri A. M.
Tiwari, Pandit Babu Lal
Tyagi, Shri
Uike, Shri
Umrao Singh, Shri
Upadhyay, Pandit Munishwar Dutt
Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Vedakumari, Kumari M.
Vijaya Anand, Maharajkumar
Viswanath Prasad, Shri
Vyas, Shri R. C.
Vyas, Shri Radhelal

NOES

Awasthi, Shri Jagadish
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chaudhuri, Shri Tridib Kumar

Gaikwad, Shri B. K.
Ghosal, Shri Aurobindo
Gupta, Shri Sadhan
Katti, Shri D.A.
Kunhan, Shri
Mahanty, Shri
Majhi, Shri R. C.
Masani, Shri M. R.
Mehta, Shri Asoka
Mukerjee, Shri H. N.
Nair, Shri Vasudevan
Nath Pai, Shri
Nayar, Shri V. P.
Parmar, Shri K. U.
Patil, Shri Balasaheb
Rajendra Singh, Shri
Ram Garib, Shri
Ramam, Shri
Ranga, Shri
Rao, Shri D. V.
Rao, Shri T. B. Vittal
Siva Raj, Shri
Sugandhi, Shri
Tangamani, Shri
Thakore, Shri M. B.
Warior, Shri
Yajnik, Shri

Shri Nath Pai (Rajapur): Sir, my vote has been wrongly recorded.

Mr. Speaker: Any other hon. Member who wants to say anything?

Shri Tridib Kumar Chaudhuri (Berhampore): My vote has not been recorded.

Sardar Hukam Singh (Bhatinda): Those who have exercised their votes which have been recorded cannot change that. If the machine has not worked that can be corrected and you can note it down.

Shri Naushir Bharucha (East Khandesh): On a point of order, Sir. The hon. Deputy-Speaker has raised a very important question. Assuming for a moment, even through a mistake, a Member has voted the wrong way, can he not have his error rectified before the final announcement of the results. In various Legislatures that practice is followed.

Mr. Speaker: I have heard him. If any hon. Member says that his vote has been recorded wrongly I have allowed him to correct. That is the usual practice here. There are cases where, inadvertently, one Member went to a wrong lobby and then, subsequently, he recovered and came in and said, 'I voted in the wrong lobby'.

Shri Tyagi: Not after he has voted, Sir.

Mr. Speaker: Let us not be too technical about this matter. Did both the hon. Members vote? I am only anxious to know that for the reason that I have to deduct it from one side and add it to the other.

Shri Tyagi: He has voted green.

Mr. Speaker: The hon. Member is sufficiently able to express himself. Shri Nath Pai, did he vote?

Shri Nath Pai: Sir, I have voted; but I want your assistance to have it rectified. I wanted to vote for Noes, but it looks as if I have voted for 'Ayes'.

Mr. Speaker: I would add one 'No'. What about Shri Chaudhuri?

Shri Tridib Kumar Chaudhuri: Sir, I voted for 'No'; but it is recorded as abstention.

Mr. Speaker: Let one more be added to the 'Noes'.

Shri M. B. Thakore (Patan): Sir, my vote has not been properly recorded. I voted for 'No'.

Mr. Speaker: All right.

Shrimati Jayaben Shah (Girnar): Sir, I pressed the button: but no light has come out. I voted for 'Ayes'.

Mr. Speaker: The result of the Division is: Ayes—165; Noes—33.

The motion was adopted.

Shri Braj Raj Singh: We wish to express our resentment. We should like to walk out. (*Interruptions*).

श्री जगदीश अवस्थी : मैं समझता हूं कि आज के दिन संविधान प्रजातंत्र की हत्या की गई है। इसलिए यह एक काला दिन माना जाएगा और यह काला कानून मैं आपकी छाती पर फेंकता हूं।

(Some Hon. Members then left the House.)

15.36 hrs.

BUSINESS OF THE HOUSE

Mr. Speaker: Let us now take up the next item, Supplementary Demands for Grants—Railways.

Shri Mahanty (Dhenkanal): Sir, before you proceed to this, I would like to make a submission. Occasions arise in this House when the time fixed by the Business Advisory Committee is exceeded according to the nature of the matter under discussion. At that stage the Minister for Parliamentary Affairs simply stands up in his seat and points out that the time has been exceeded. The proper course would be for Government to come in with a motion for closure or guillotine. Otherwise, it means that discussion on the whole thing is being throttled.

Mr. Speaker: I will bear this in mind.

Shri Mahanty: I am afraid if my submission has been appreciated. What I am saying is this. If the Minister of Parliamentary Affairs feels that the time has been exceeded, he should come up and take the leave of the House to have the time extended or he should come with a motion for guillotine. He should not merely stand in his seat and invite the attention of the Chair to the fact that the time has been exceeded. So, discussions in this House are throttled.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Let me make it clear. Five hours were allotted by the Business Advisory Committee. When the matter came up here, some hon. Members raised the point that the time should be extended and you were pleased to say that it would be extended by one hour. Then, even the extended time was over. I drew the attention of the Deputy-Speaker that this limit of 6 hours even had been exceeded. What is wrong in it? I have every right and authority to move for closure. Previously, we used to do that. I have every right to move for closure even when a Member is on his legs.

Shri Mahanty: The question is that when he has got the right he should exercise it. We do not question the right. The House would know that the motion for closure has been moved. Nobody questions the right to move for closure.

Shri Satya Narayan Sinha: I had the right to point out to the Deputy-Speaker that the time allotted, that is, 6 hours—even the extended time—is over.

Shri Mahanty: He wants to throw the burden on you, Sir.

Mr. Speaker: The Business Advisory Committee fixes a particular time limit. I extend it by one hour, or whoever is in the Chair. Then, if I find, with the consent of the House that some more time is necessary we go on. Of course, the hon. Member merely says that as soon as the time is over the Minister of Parliamentary Affairs should get up and move for closure and have the question put to the House and carried by a majority. I do not know whom Shri Mahanty is helping. Wherever time is not fixed, it is always open to any Member of the House to get up and move for closure. That will not be done generally in cases where the time is fixed. In cases where the time is fixed, after the time is exhausted I can apply the axe. He only reminds the Speaker. He does not make any motion.

15.39 hrs.

*SUPPLEMENTARY DEMAND FOR GRANT (RAILWAYS), 1960-61

Mr. Speaker: Motion moved:

Demand No. 2— *Miscellaneous Expenditure*

> "That a supplementary sum not exceeding Rs. 60,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1961 in respect of 'Miscellaneous Expenditure'."

Are there hon. Members who want to particpate in the discussion. Any cut motions?

Need to expedite the survey

Shri T. B. Vittal Rao (Khammam): I move my cut motions.

> "That the Demand for a Supplementary Grant of a sum not exceeding Rs. 60,000 in respect of 'Miscellaneous Expenditure' be reduced by Rs. 100.

Need to increase the provision to rupees two lakhs.

Shri T. B. Vittal Rao: I beg to move:

> "That the Demand for a Supplementary Grant of a sum not exceeding Rs. 60.000 in respect of 'Miscellaneous Expenditure' be reduced by Rs. 100.

I wish to speak on Demand No. 2 which asks for a sum of Rs. 60,000 to cover the anticipated expenditure on the preliminary engineering and traffic survey for a a railway link from Singrauli coalfield to Rihand. At the outset, I welcome this Demand because it enables us to expand the coalfields at Singrauli. Today we find that 80 per cent of our coal mining is in the Jharia Raniganj areas and we have to diversify our areas. This link is a welcome thing because it will increase the production of coal in Madhya Pradesh.

But I have to sound a note of caution. Our resources are limited. During the debate on the Railway Budget there were demands from the South that there should be more rail links there. So, whatever money is spent on the development of the railway lines should be very usefully spent. For instance, we constructed the Champa-Korba link very expeditiously because we were told that the production in the Korba coalfields will reach the target of 4 million tons a year. At the end of even five years, no coal is being raised and still we are at the project stage and the project report of the Soviet experts had been adopted with regard to open casting. In other words, we have a railway line but not coal as we expected.

Again in another place you have got coal deposits in abundance and 4-5 million tons of coal can be raised in a year. But because there is no siding and there is no railway bridge across the Damodar river, we are not increasing the production in Burkhunda-Karanpura area. There should be proper co-ordination between the Railway Ministry and the Steel, Mines and Fuel Ministry. We have seen how the Railway Ministry and the Ministry of Steel, Mines and Fuel blame each other when some industries closed down.

It has been said in the explanatory note that this 26 mile rail link will be constructed within two years. May I ask the Railway Ministry whether, at the end of two years, they are going to raise so much coal as to justify this rail link? If we have to raise sufficient coal to justify this rail link and also to feed the thermal power house at Rihand dam site the

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*Moved with the recommendation of the President.

[Shri T. B. Vittal Rao]

work should have been begun by now. Othersise, you cannot mine coal to that extent and there will be no justification for this line.

Again, what will be the rate of haulage at which this coal will be transported from Singrauli coalfield to Rihand dam site? When we ask for a small rail link for development work, inflated mileage rates are charged on passenger traffic. Will there be similar excess rates charged for coal haulage over this line? We are already charging less freight for the haulage of coal.

It is said that the Planning Commission has given its approval and the Ministry of Steel, Mines and Fuel has also suggested high priority and the Railway Ministry is also giving top priority. Let there be co-ordination and let us see that what we invest on this line is justified and wise. The same story that has happend in other parts to which I had referred to earlier should not be repeated here.

Shri D. C. Sharma (Gurdaspur): Sir, I am amazed to hear the speech made by the hon. Member who preceded me.

Shri T. B. Vittal Rao: Why?

An Hon. Member: Wait and see.

Shri D. C. Sharma: I think a proposal like this would have been welcomed by all the Members of this House.

Shri T. B. Vittal Rao: I welcome.

Shri D. C. Sharma: But the hesitant welcome that the hon. Member has given shows that he has not taken into account the real nature of this proposal.

I welcome this proposal because it shows the utmost vigilance on the part of the Railway Ministry in providing a very useful railway link which is going to be fraught with great potentialities in the industrial field. I think the Railway Ministry, which is not always to be congratulated, has to be congratulated so far as this project is concerned; it has not wasted any time. They have not tried to shelve the issue. I also think that it is very seldom that a few Ministries co-operate with each other so expeditiously and still more seldom do we find that the Planning Commission and these two Ministries collaborate with each other in such an expeditious manner. This pattern of co-operation and collaboration should form the normal pattern for the execution of our national projects in future. What happens? The Planning Commission proposes one thing; one Ministry is not prepared to take up that project and a third Ministry suggests obstacles to that. In the matter of execution of projects of such national importance, there should be this whole hearted co-operation between all these bodies which are responsible for the development of our country.

I come from an area which is called an undeveloped area. I have a soft corner in my heart for any undeveloped area. This link is going to open that area which is undeveloped and so it is a step in the right direction. The hon. Minister has shown great solicitude for this undeveloped area in U.P. All honour and good luck to him. I hope that for other areas in India where there are coal mines and other natural resources, the same kind of solicitude will be shown. When I look at the map of India, I find that these undeveloped areas are retarding the progress of our country and the sooner they are brought up to the level or near the level of other areas, the better it would be for our country as a whole.

I think this is a step in the right direction, and I hope that other undeveloped areas also will receive a similar kind of treatment at the hands of the Ministry.

My next point is that there is going to be preliminary engineering and traffic survey. With due deference to the Railway Ministry, I might say that is a Ministry of cautious action; a ministry of slow but sure action. In a developing economy, we need bold action and a firm action. I would suggest that in the matter of these surveys and other things, the old procedure which was devised by the British Government in order to put off some of the developmental plans should be short-circuited. Suppose I went to the British Government authorities and said, 'I want a railway line in my constituency" they would say, "Oh yes, we are carrying out a survey." Then they would say, after doing half a dozen or more surveys, "All these surveys have been undertaken and on geographical, or geological or economic or financial grounds, the railway line is not possible". That used to be the answer in the good old days. Still, we are persisting in that method. Of course, we do not get the same kind of answer, but we are still persisting in that long succession and array of surveys, this and that. God knows how many types of surveys this Ministry carries out before it sanctions the construction of a railway line. There was a time when I used to represent the Hoshiarpur district and I used to ask the Railway Minister....

Mr. Speaker: Hon. Member is giving instances to support his view that without surveys a railway line ought to be given.

Shri D. C. Sharma: I used to represent that district and I wanted a railway line of eight miles only to connect Nangal—the great township of Nangal—with a small place called Una. They had all kinds of surveys and I was full of hope, but ultimately I was told that the railway line could not be economic. I would say that this is a developmental activity conducive to the good of our country. I think that a long succession of surveys should be short-circuited and only an essential survey should be undertaken whenever any new railway line is to be laid.

The point about the price of haulage of coal on these lines was raised by an hon. Member. I have always been saying that the railway should be a commercial concern.

Shri T. B. Vittal Rao: No.

Shri D. C. Sharma: We always differ, and it is good that we always differ. I have always said that. It should not only be a kind of healthy commercial concern but it should also serve our strategical purposes. The hon. Member does not listen to me and before I finish he interrupts me. I was submitting very respectfully that in addition to our commercial interests, we have got our strategic interests to be kept in view and we have got our developmental interests to be kept in view. Here is an instance of that. I believe that the railways are not going to be merely a commercial concern like a limited company, whose business is to get as much money as possible. Railways are going to be national concerns meant for the national good of this country.

Whenever the hon. Minister thinks of haulage of coal and other essential commodities for our country he has to remember that these things have got to be hauled at concessional rates. If we do not get as much as we want today, we are bound to get more tomorrow or the day after. This kind of economy at present is going to be the road of affluence in future. Therefore, I think that the rate of haulage of coal should be kept as low as possible.

Uttar Pradesh Government says that they have been unjustly served. I would say that Punjab also is not very prosperous. U.P. also does not seem to have progressed much in the field of industries. I hope this is going to lay the foundation of industrial development in U.P. and I hope that

[Shri D. C. Sharma]

the Railway Ministry will do all in its power to have this railway line as early as possible and see to it that this railway line is a link in its chain which is going to lead to the industrial development of U.P. and, therefore, of the whole of India.

Mr. Speaker: Shri Achar.

Shri Kalika Singh (Azamgarh): Sir, it is in our constituency, in east U.P. Therefore, I should be given an opportunity.

Mr. Speaker: I do not want to convert it into a general debate. This relates to a small colliery.

Shri Kalika Singh: It is near to our place.

Mr. Speaker: There is the other resolution on Railway Conventions. If hon. Members are prepared, I will allow some time there. This is just a small thing.

Shri Achar (Mangalore): I will take only two three minutes as I have only one point to make. When the earlier supplementary demands came in connection with the railway line from Waltair to Bailladilla, about 250 miles I welcomed the railway line. Here also I welcome it, because we are very badly in need of lines for supply of coal. In Mangalore also they are not getting coal for the tile factories. So, everywhere railway lines must be opened. I have not the least objection to that. The only point is, as Shri Vittal Rao pointed out, whether there is a real examination of the question by all the Ministeries concerned.

When the Railway Minister answered my point last time, I was very much dissatisfied with his answer. He said that I argued like a lawyer and argued before wrong judges. It is not so. I submit that I take the Government of India as one when there is joint responsibility. Each Minister is not independent of Government or other Ministries. If we take up a matter we have to look into the general aspect of the question. I was very happy to see that after that discussion Government has appointed a committee. I tried my best to find out that reference, but I could not get it. I read somewhere in the newspaper that after that discussion there was a committee of some of the hon. Ministers all put together to consider this question. It may not be due to that discussion. Whatever it may be there was a committee.

16 hrs.

I gave the instance of Bailadilla-Waltair because it is a question of 350 miles and of iron ore. That iron ore you will get in 1966. Within 100 miles you can get any quantity of iron ore but you do not develop that. That is all the point. I have nothing to say against it. In this case it is a question of a thermal project which also we naturally require. All that I want to submit is that you must not say that it is argued before a wrong judge. I want this matter to be considered by all hon. Ministers together and the priority must be decided in the general interest of the country.

Shri Kalika Singh: Sir, the explanatory memorandum which has been given with the Demand does not make it very clear whether the electric power house meant is the one at Rihand Dam or the newly proposed Singrauli thermal power house. We know that two very big projects have been decided upon by the Planning Commission to be established in U.P. Both of them are in the eastern U.P.—one is at the Rihand Dam which is under construction and the other is the Singrauli thermal power house which is as big as the Rihand Dam power House. The installed capacity of Singrauli power house also is 2,50,000 kilowatts.

I think from the introductory remarks given in the booklet it is the Singrauli power house and not the one at Rihand Dam which is meant. The Singrauli power house is very near the Rihand Dam and so that confusion has arisen in the note. If it is the Rihand Dam power house which is meant here, in that case there is no justification for such a delayed decision by the National Coal Development Corporation Limited to exploit this coal-field because the coal-field at Singrauli is 36 miles long and 24 miles wide which is a very big coal-field. When India is running into a shortage of coal, this Singrauli coal-field which is a first-class coal-field with grade I coal ought to have been exploited in the very beginning since it was known to be a first-class coal-field. It is now 13 years that the National Coal Development Corporation Ltd. has taken to arrive at a final decision in this matter and as a result this rail link is proposed. It is said here:

> "....it is proposed to undertake immediately a Preliminary Engineering and Traffic Survey—estimated to cost about Rs. 1:90 lakhs—; only a reconnaissance survey will be carried out to determine the suitability of the alignment and compute rough figures of cost, financial prospects, etc., in the first instance."

It is not sure whether after this reconnaissance survey the railway link will be built.

There should be a commitment here and now because the project is so necessary that it has to be ultimately built. Therefore it should have been written here that it has been finally decided to construct a rail link of 24 miles and the survey has to be made only to find out what the estimated cost will be. As for the site it is well-known that it is a very good site.

A railway line is already being built to connect Garhwa with Robertsaganj and a link line to connect Pipri Station with this line is being surveyed. Moghulsarai Junction is said to be the biggest yard which has now become a bottleneck. It is as big a bottleneck as Bezwada. 3,000 wagons used to pass through Moghulsarai daily. Now at the end of the Second Five-Year Plan it is estimated that 6,000 wagons will pass through it out of which about 50 per cent will be coal wagons. So the Garhwa-Robertsganj railway line is being built just to divert half the wagons on the other line. I would suggest that at the site of Ghazipur a bridge, which is under consideration of the Planning Commission, should now be finally included in the Third Five-Year Plan. Another alternative line should be built from Tarighat passing through Azamgarh to Akbarpur or from Moghulsarai through Tarighat to Zafrabad. There should be an alternative line to carry the coal from the coal fields north of the Ganges and another to the south of the Ganges. This line which is now to be surveyed is very important. Uttar Pradesh which has got the lowest per capita installed capacity in electricity requires many electric power hauses. There were two or three which were proposed in the First Plan to be built in Western U.P. They have not been fully included in the Second Plan, although they might be taken up in the end. In the Eastern U.P. Rihand dam is being constructed, and the Singrouli power house also is being taken up. If the two are taken up, U.P. will have some electricity through which we may be able to develop electricity in this area. There should be a complete committal that this line will be built. We welcome this supplementary demand and we congratulate the Ministry for having brought this up.

श्री सिंहासन सिंह (गोरखपुर) : अध्यक्ष महोदय, इस पूरक मांग का मैं बहुत स्वागत करता हूं । इस में मुझे केवल इतना ही कहना है कि इस पूरक मांग में अभी केवल सर्वे की बात कही गई है बावजूद इस के कि नशनल कोल डेवलपमेंट कारपोरेशन ने कहा है कि यह रेल लाइन २४ महीने के अन्दर लगा दी जाये । प्लानिंग कमिशन की भी

[श्री सिंहासन सिंह]

मांग है कि वह रेल लिंक पूरी की जाय। मैं तो चाहता था कि इस सर्वे की पूरक मांग के साथ ही साथ रेल लाइन बनाने की भी पूरी मांग की गई होती क्योंकि यह सर्वे में नेक्सट बजट में पांच छ महीने में आने वाली है। लेकिन तो भी जितना है मैं उसका स्वागत करता हूं।

अभी मेरे एक पूर्व वक्ता ने कहा कि उत्तर प्रदेश उद्योग व्यवसाय की दृष्टि से काफी पिछड़ा हुआ है और उद्योग व्यवसाय को वहां पनपाने के लिये इस ओर ध्यान दिया जाना जरूरी है। इसी ध्येय को मद्देनजर रखते हुये रिहेन्द डेम का निर्माण हुआ और जिसके लिये अभी कहा जाता है कि वह धीरे धीरे सन् १९६२ में बिजली देना प्रारम्भ करेगा। यह डेम पूर्वी जिलों में उद्योग व्यवसाय बढ़ाने के लिये प्रारम्भ हुआ था लेकिन अब बड़े बड़े कल कारखाने वहां बन रहे हैं और उसमें बिजली अधिक चली जा रही है और आवश्यकता इस बात की है कि इस बिजली और पावर की कमी को पूरा करने के लिये एक और थरमल प्लांट बने ताकि आज जो बिजली की कमी अनुभव हो रही है उसकी पूर्ति की जा सके।

अभी मेरे भाई श्री विट्ठल राव ने कहा कि सम्बद्ध मंत्रालयों में आवश्यक सहयोग नहीं है लेकिन मैं तो देखता हूं कि इसमें दोनों का बड़ा सहयोग है। यह पहला मौका है कि एक पूरक मांग रेलवे मिनिस्ट्री की हो और उस अवसर पर कोल के भी मिनिस्टर साहब बैठे हों। इसलिये जहां तक मंत्रालयों में सहयोग का सम्बन्ध है वह मौजूद है। रेलगाड़ी बना कर तयार रखनी है क्योंकि आखिर जो कोयला निकलेगा वह रेलगाड़ी पर ही तो ढोया जा सकेगा। मुझे उम्मीद है कि हालांकि हम धीरे धीरे चलते हैं लेकिन २४ महीने के भीतर हमारी यह रेल लिंक बन कर तैयार हो जायेगी रेल लिंक बनाने में एक हमारे अध्यक्ष जो बोर्ड के हैं, काफी माहिर हैं और उन्होंने असम का रेल लिंक बहुत अल्पकाल में बनाया था। संभव है कि यह रेल लिंक भी जल्दी बन जाये। हमारा जो भाग है, वह काफी पिछड़ा हुआ है, जंगली हिस्सा है, पहाड़ी हिस्सा है। उससे बिहार, मध्य प्रदेश, उत्तर प्रदेश, तीनों प्रांतों को लाभ होगा और तीनों के पिछड़े हुये भागों को काफी तरक्की मिलेगी। इसलिये..

एक माननीय सदस्य : मध्य प्रदेश को कैसे लाभ होगा ?

श्री सिंहासन सिंह : मध्य प्रदेश में सिंगरौली का कोयला बाहर जायेगा और बिजली वहां पहुंचेगी। इस तरह से उसको और दूसरे दो प्रांतों को तीनों को लाभ होगा। इस वास्ते मैं कहना चाहता हूं कि इसमें जितनी शीघ्रता की जाये, अच्छा होगा। आजकल जो ढिलाई देखने में आती है, हम आशा करते हैं कि वह दूर होगी और कार्य जल्दी से सम्पन्न किया जायेगा। सर्वे का काम जल्दी से जल्दी पूरा करके तुरन्त रेल लाइन बनाने की ओर आपको ध्यान देना चाहिये और कोई ढिलाई नहीं आने देनी चाहिये।

जो आपने पूरक मांग पेश की है वह स्वागत की चीज है। मैं आशा करता हूं कि नशनल कोल डिवेलेपमेंट काउंसिल ने जो सिफारिश की है, उसको मान लिया जायेगा और उसके अनुसार आपका सब सामान तैयार रहेगा। उधर से कोयला निकलना शुरू हो और इधर से आपकी गाड़ियां चलना शुरू हो जायें, उनमें देर न लगे, ऐसी आशा की जानी चाहिये।

Shri N. R. Muniswamy (Vellore): I support this Supplementary Demand for Grant.

Coal is an important commodity not only for the thermal power stations, but also for the railways. I wish the Ministry of Steel, Mines and Fuel asks the Geological Survey of India to undertake a thorough survey of the whole country to locate deposits of coal. The railway should follow it up by linking up such places.

Though the Geological Survey is doing something in this direction, they appear to be in need of some data and a complete survey has not been undertaken. If that is done, the railways would be enabled to know the priority that they should give to tneir respective projects, with a view to link the areas of such new deposits. In the meantime, their present priorities may continue.

I think the problem needs concerted action by both the Ministries of Steel, Mines and Fuel and Railways. Then alone they will be able to get a complete picture of our requirements and be able to meet them.

श्री राधे लाल व्यास (उज्जैन) : अध्यक्ष महोदय, जो पूरक मांग के लिये प्रस्ताव आया है, उसका मैं हार्दिक स्वागत करता हूं । इसका मुख्य उद्देश्य यह है कि ऊंचे दर्जे के कोल की रेलों को बड़ी आवश्यकता है और उसकी कमी को पूरा किया जाना बहुत जरूरी है, और उसके लिये रेल लिंक का होना लाजिमी है । मैंने देखा है कि हमारे यहां, जहां सैंट्रल और वेस्टर्न रेलवे हैं, ऊंचे दर्जे का कोयला इंजिनों को नहीं मिलता है जिसका नतीजा यह होता है कि कभी कभी एंजिन रास्ते में ही खड़े हो जाते हैं और उनकी जो चाल है वह धीमी पड़ जाती है । इसका नतीजा यह होता है कि गाड़ी अकसर लेट होती है । जब मैंने गाड़ियों के लेट होने का कारण पूछा तो मुझे बताया गया कि ऊंचे दर्जे का कोयला नहीं मिलता है, बहुत हल्के ग्रेड का कोयला एंजिनों को सप्लाई किया जाता है इस वास्ते गाड़ियां अकसर लेट हो जाती हैं । तो जहां से ऊंचे दर्जे का कोयला निकलेगा, उसका इस्तेमाल एक ही क्षेत्र के लिये नहीं होना चाहिये बल्कि उसको ऐसे क्षेत्रों में भी ले जाना जाना चाहिये जहां उसकी बहुत ज्यादा जरूरत है । जो हल्के ग्रेड का कोयला आज इस्तेमाल होता है, उससे एक तो गाड़ियां लेट होती हैं और दूसरे एंजिन भी खराब होते हैं । इस रेल लिंक से मध्य प्रदेश को तो लाभ होगा ही, दूसरे क्षेत्रों को भी होगा । हमारे यहां काफी कोयला है और उसको बाहर भी ले जाया जाना चाहिये इसके बारे में इकोनोमिक सर्वे हुआ है और उससे पता चला है कि मध्य प्रदेश में रेलों और रोड्स, दोनों की बहुत ज्यादा कमी है । इन दोनों की कमी की वजह से उसका डिवेलेपमेंट नहीं हो रहा है । वहां पर रेलों और रोड्स, दोनों की आवश्यकता है और उस आवश्यकता की पूर्ति की ओर आपका ध्यान जाना चाहिये ।

इसके साथ साथ मैं यह भी कहना चाहता हूं कि और भी जो कई लिंक हमारे यहां हैं, जसे नरो गेज रेलवे लाइन है, उसको भी रिप्लेस करने की जरूरत है । कुछ मिसिंग लिंक्स भी हैं, जिन की ओर आपका ध्यान जाना चाहिये.....

रेलवे मंत्री (श्री जगजीवन राम). मिसिंग लिंक्स मध्य प्रदेश में चली गईं ?

श्री राधे लाल व्यास : ग्वालियर से भिंड की नैरो गेज अगर इटावा तक मिला दी जाये, तो बड़ा फायदा हो सकता है, और कई मील का चक्कर बच सकता है । ऐसे कुछ सर्वे हैं जिन की तरफ आपका ध्यान जाना चाहिये । जो बकवर्ड एरियाज हैं, उनकी तरफ भी आपका ध्यान जाना चाहिये । अगर इन मिसिंग लिंक्स को ठीक कर दिया जाये तो ट्रेफिक लोड कम हो सकता है । और जो नैरो गेज है उस पर ध्यान दे करके एक तो देश को लाभ पहुंचाया जा सकता है, दूसरे जो ज्यादा ट्रेफिक रहता है , उसमें भी कमी की जा सकती है, तीसरे माल के आने जाने में सहूलियत हो सकती है और चौथे जो खर्चा पड़ता है, उसको भी कम किया जा सकता है । पिछड़े हुये इलाकों की तरफ ध्यान देना आपका पहला कर्त्तव्य होना चाहिये ।

इन शब्दो के साथ मैं जो पूरक मांग रखी गई है, उसका समर्थन करता हूं ।

The Deputy Minister of Railways (Shri Shahnawaz Khan): I am very grateful to all the Members who have supported this Demand so entusiastically. Therefore, there is not much need to elaborate on various points raised by the hon. Members.

Very briefly, I should like to tell the House that it is a matter for rejoicing that the prospecting has proved the existence of approximately 236 million tons of low-grade coal and 371 million tons of Grade I coal in this coalfied. If it a very happy augury for the country. The House is well aware of the hardships caused to the industry due to difficulty in transporting coal from distant areas. The development of this coalfield would be a great blessing for the whole country. From the point of view of the railways too, it would be a great blessing to us, because we would be able to get good and high quality coal and nearer the northern areas.

The necessity of having this survey very urgently has arisen because the Government of U.P. are very keen to get their thermal power station into operation early in 1963. In fact, they have made all arrangements to that effect already, and we would like to be in time to be of service to them.

Shri Kalika Singh: Which thermal power-house? It is not the Rihand Dam Power-house

Shri Shahnawaz Khan: The hon. Member is probably confusing this thermal plant with the one at Rihand Dam. Rihand Dam Power house will produce hydro-electric power, whereas this thermal power station would be situated near the Rihand Dam, probably near Sigauli, and this would produce thermal power.

Shri Kalika: Singh: So, this is another one?

Shri Shahnawaz Khan: Yes, this is another one.

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): The one is thermal and the other is hydroelectric. There are two actually.

Shri Kalika Singh: One is yet to be started.

Mr. Speaker: Is this going to be a stand-by or an addition?

Shri Shahnawaz Khan: This will be in addition to the one at Rihand Dam.

Mr. Speaker: What will be the total quantity of power that will be produced at Rihand Dam?

Shri Shahnawaz Khan: I cannot give that off hand. But this thermal station would produce 450 M.W.

Mr. Speaker: How many k.w.?

Shri T. B. Vittal Rao: 4,50,000 k.w;

Shri Shahnawaz Khan: This would supplement the power produced at Rihand Dam.

Shri Kalika Singh: 450 M. will be the combined installed capacity of the Rihand Dam Power-station and this thermal power-station.

Shri Shahnawaz Khan: I am glad that many hon. Members who took part in this debate have appreciated the perfect understanding and coordination that have been displayed in this project.

This is a very small amount required for the survey. Actually, we require Rs. 1:9 lakhs for the complete survey, but for the short duration until the Budget is presented, Rs. 60,000 would be enough.

Shri Narasimhan (Krishnagiri): It is a token grant.

Shri Shahnawaz Khan: I am aware that hon. Members are keen that this line should be constructed in the shortest possible time. But there are some very necessary and essential preliminaries to construction of a railway line. Traffic and preliminary engineering surveys have to be carried out. These have to be followed by the final location survey, and when these are approved, the line would be constructed. A time-limit of 24 months has been set.

I am glad Shri Sinhasan Singh complimented the railways and the present Chairman of the Railway Board for having completed the Assam link in record time. This is not the only link that is being completed in record time. There are many other lines which we are completing well ahead of schedule.

Shri Narasimhan: For example?

Shri Shahnawaz Khan: Malda, Khajuria Ghat and others.

I can assure the House that as far as the railways are concerned, there shall be no relaxation. We will go ahead fully determined to complete this line well in time.

Shri T. B. Vittal Rao wanted to know the rates at which we are going to charge for carrying the coal. The working out of the economics of the proposed rail link will be part of the survey. Only then will the question of a special rate, if any, for transporting coal be considered. All these aspects will be kept in view while we are working out the economics of it and considering the details of the survey.

Shri Narasimhan: What is the length of the line?

Shri Shahnawaz Khan: 26 miles.

Mr. Speaker: Is the rate Rs. 5 lakhs per mile?

Shri Shahnawaz Khan: This amount of Rs. 60,000 is only for the preliminary survey. The cost per mile depends on the terrain. In some areas, it may be Rs. 6 lakhs; in some others Rs. 15 lakhs.

Mr. Speaker: What is the crore of rupees for?

Shri Shahnawaz Khan: It is only Rs. 60,000. That is for survey, for this year. I would like to assure the House that we would complete this survey during this working season.

I am also thankful to Shri D. C. Sharma for his qualified congratulations.

Mr. Speaker: Why is Shri T. B. Vittal Rao pessimistic? Is there no coalfield there?

Shri Shahnawaz Khan: There is plenty of coal—236 million tons of low grade and 371 million tons of high grade. He is pessimistic, whether it will be raised in time. But I can tell him that in the early part of the Third Plan, it is proposed to raise one million tons of grade I coal and 1:5 million tons for the thermal plant. That is the target we have laid down. I have no reason to doubt that the target date will be adheard to.

Mr. Speaker: Will wagons and other things be available by that time?

Shri Shahnawaz Khan: So far as railways are concerned, everyhing will be there.

Again. I thank hon. Members who have taken part in the debate.

Dr. M. S. Aney (Nagpur): Does the hon. Minister think that the opening of these new coalfields is enough to meet the requirements of coal for the whole of he Third Five Year Plan? Or would it mean the opening of certain other coalfields also?

Shri Jagjivan Ram: I would refer the hon. Member to the Draft Third Five Year Plan and he will find the answer to the question.

Shri Achar: We read in the papers that a committee would be appointed for settling priorities. I want to know whether it is correct and whether that matter is being considered.

Mr. Speaker: What committee is going to be appointed?

Shri Achar: That is to settle the priorities for railway lines.

Shri Jagjivan Ram: There is no committee and there is no necessity for such a committee. The priority is fixed on the basis of the development of industry or mines or agriculture in different areas of the country; and that is done by the Planning Commission in consultation with the Ministries concerned and the Railway Ministry.

Mr. Speaker: Now, I will put the Demands to vote.

Shri T. B. Vittal Rao: What about the cut motions, Sir?

Mr. Speaker: I do not think the cut motions are pressed.

Shri T. B. Vittal Rao: I do not press them, Sir.

Mr. Speaker: Has the hon. Member leave of the House to withdraw his cut motions?

The cut motions were, by leave, withdrawn.

Mr. Speaker: I have already said that those cut motions which are not pressed will be treated as having been withdrawn.

Now, the question is:

> "That a supplementary sum not exceeding Rs. 60,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1961, in respect of 'Miscellaneous Expenditure'.".

The motion was adopted.

16.28 hrs.

RESOLUTION *RE*: REPORT OF RAILWAY CONVENTION COMMITTEE

The Minister of Railways (Shri Jagjivan Ram): Sir, I beg to move:

> "That this House approves the recommendations contained in the Report of the Committee appointed to review the rate of dividend which is at present payable by the Railway undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance which was presented to Parliament on 30th November, 1960."

The House is aware that a committee of both the Houses of Parliament was set up for the purpose of making the aforesaid review, by a Resolution adopted by this House on 22nd April, 1960 and concurred in by the Rajya Sabha on the 28th April, 1960. The House will also remember that, by Resolutions passed by the two Houses of the Parliament in April-May, 1959, the 5-year period from 1955-56 to 1959-60 covered by the Railway Convention Committee—1954, was extended by a further year, that is, up to 31st March, 1961, with the result that the period covered by the present Committee's recommendations synchronises with the Third Plan period. Some copies of the material, including a forecast of the Railways finances in this period as compiled by the Railway Board for the consideration of the Committee, have been placed in the Parliament Library for reference of Members; this has already been notified in the Lok Sabha Secretariat's Bulletin for 30th November, 1960.

The review made by the Committee has shown that the principles of separation of Railway Finance from the General Finance, the main feature of which is the contribution by the Railways to the General Exchequer of a dividend at a fixed percentage rate on the capital-at-charge have worked satisfactorily on the whole and have placed the Railways in a reasonably adequate position to discharge their obligations. The Railways no doubt have had to draw heavily on the past accumulations in the Depreciation Reserve Fund and Development Fund, and have had to take recourse even to temporary loans from the General Revenues to finance the Development Fund. But it has to be appreciated that the Railways have contributed, towards the execution of the Railways' Second Plan, an amount well in access of the contribution of Rs. 375 crores which the Railways had to make from their own resources towards the Plan according to the original understanding when the Second Plan was framed. The Committee have also taken note of the fact that the Railways have had to make adjustments in freight rates of goods in this period in order to meet their obligations and balance the rising working expenses resulting from unavoidable increases in wages and prices.

It is hardly necessary for me to explain to the House that the major constituent of the 4½ per cent. 'dividend' recommended by the Committee is interest on capital, the average rate of which is 3·58 per cent. according to current year's estimate. Without going into the argument exactly to what extent the Railways are a commercial undertaking and to what extent a public utility service, it is only appropriate that the large investments in the Railways should yield at least some margin of return after payment of interest charges. In recommending a dividend of 4½ per cent for the 5 year period, 1961 to 1966, the Committee have allowed a margin of return which is appreciable, but is less than a return of the order of nearly one per cent such as was maintained in the past. In other words, the Committee have duly allowed for the sizable indirect contributions to General Revenues and to general welfare, which the Railways are making in an increasing measure as a public utility concern. The Committee have endorsed the continuance of two principles adopted in pursuance of the 1954 Convention Committee's recommendation, namely that moratorium for a certain number of years be allowed in respect of dividend payable on the capital investment on all new lines, and a reduced rate of dividend—limited to the average rate of interest—to be paid on the element of over-capitalisation included in the Railway's capital account which is assessed about at Rs. 120 crores. The present Committee have also recommended that any return on the Railway's capital-at-charge over and above the interest charges should not reasonably be expected in respect of the Northeast Frontier Railway which, working at a loss, is maintained and operated in the larger interests of the country. Similarly, the Committee have recommended that not only the dividend will not payable on the capital-at-charge of strategic lines as accepted on the recommendation of the 1954 Convention Committee but the annual loss on the working of strategic lines should be borne by the General Finance and not by Railway Revenues as, in fact, was laid down at the very inception of separation of Railway Finances in 1924-25.

I should make a passing reference to a recommendation of the 1954 Convention Committee the scope of which has been clarified by the present Committee. This is that the deferred amount in respect of dividend on the capital at charge on new lines should be repaid from the sixth year onwards in addition to the current dividend out of the net income of the new lines. The addition of the words 'out of the net income of the new lines' in the 1954 Convention Committee's Report in itself meant that the deferred dividend would be paid from the 6th year onwards only if the net income of the new lines leaves a surplus after payment of the current dividend. The present Committee have ruled that

[Shri Jagjivan Ram]

this would be the appropriate interpretation of the 1954 Convention Committee's recommendation.

Another important recommendation of the Committee is in the matter of re-orientation of the additional levy on railway passengers made since September, 1957 in the shape of passenger fare tax, the proceeds of which are allocated by the General Finance to the different States.

It only remains for me to refer to the Committee's recommendations in regard to financing the Depreciation Reserve Fund and the Development Fund. As the House is aware, even the increased allocation of Rs. 45 crores to the Depreciation Reserve Fund, against Rs. 35 crores recommended by the 1954 Convention Committee, has proved inadequate in view of the arrears of renewals that have had to be overtaken particularly those inherited from the war and post-war years and from the Railways which have come under the Central Government since Independence. The Railway Freight Structure Enquiry Committee, after going fully into the matter, had suggested that the appropriation to the Depreciation Reserve Fund should have increased progressively and reached a figure of Rs. 66 crores in 1960-61. .

On an assessment of the anticipated renewals in the third Plan period, which method is more realistic than any other method based on percentage etc., it has been recommended by the Committee that the total contribution to the Depreciation Reserve Fund in the next quinquennium as a whole should be Rs. 350 crores. This would work out to an average annual contribution of about 3·8 per cent. of the average capital-at-charge in the period 1961-66, which is considered reasonable in comparison with any other method, for the purpose of reflecting the financial results realistically and at the same time providing for the efficient maintenance of railways' assets.

As regards the Development Fund, the present forecast of the railways' finances for the next five years, at the present level of rates and fares, indicates that the net surplus, from which only the Development Fund is fed, will not be sufficient to meet the anticipated expenditure from the Development Fund. The Committee have, therefore, recommended a continuance of the provision, made in pursuance of the 1954 Convention Committee's Report, for temporary loans being taken from general revenues on which railways will pay interest at the average rate of interest only and not the full rate of dividend. With a view, however, to liquidate the outstanding liability of the Development Fund to general revenues on 31st March, 1961, without its being carried forward into the third Plan period and thus vitiating the picture for that period, the Committee have endorsed a proposal for the liquidation of this liability by an *ad hoc* write-back from the Development fund to capital and by repayment of any liability still remaining, from the balance in the Revenue Reserve Fund which will stand at about Rs. 53 crores on 31st March, 1961.

The proposal for writing-back to capital the cost of all new lines under construction on 1st April, 1955, which were charged to the Development Fund under the 1949 Convention Committee's recommendation, though technically departing from the normal principle that works in progress would continue to be allocated under the earlier principles in force at the time the construction was commenced, will be in keeping with the general principle adopted on the 1954 Convention Committee's recommendations of charging the cost of all new lines to capital. It is also in conformity with the spirit of certain suggestions made by the Comptroller and Auditor-General.

In recommending a minimum annual provision of Rs. 3 crores for railway users' amenities, the Committee have taken note of the fact that there have been suggestions for increasing this amount. I may point out to the House that this is clearly referred to as a minimum figure, in conformity with the tentative provision made so far in the third Plan; but the position is till flexible, and I have no doubt that increases above the miniumum allocation, where justifiably required, can be considered in due course without necessarily increasing the minimum figure at this stage.

The Committee have not recommended the immediate setting up of an Amortisation Fund, having regard to the fact that the railway finances in the next quinquennial period are not likely to permit this. I should point out, however, in this context that the charge to capital is already being kept down at the cost of revenue through the Depreciation Reserve Fund and the Development Fund, according to the rules of allocation of expenditure adopted on the recommendations of the 1949 and 1954 Convention Committees; this indirectly serves the same purpose as a formal amortisation from revenue. Since interest on the element of over-capitalisation included in the capital-at-charge is payable—even though not the full rate of dividend—it can be said that, on the whole, the system of a fixed dividend on capital-at-charge of railways provides for a fair contribution by railways to general revenues.

I would assure the House that the recommendations of the Committee take full note of the needs of the railway revenues as well as the requirements of the general finance during the third Five Year Plan, and by their adoption we would be making a satisfactory working arrangement in the interests of the country as a whole. With these introductory remarks I commend the resolution to the House.

Mr. Deputy-Speaker: Motion moved:

"That this House approves the recommendations contained in the Report of the Committee appointed to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance which was presented to Parliament on 30th November, 1960."

There is a substitute motion by Shri Bharucha. He might move it.

Shri Naushir Bharucha (East Khandesh): I beg to move:

That for the original resolution, the following be substituted, namely:—

"That this House having considered the recommendations contained in the Report of the Committee appointed to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other anicllary matters in connection with the Railway Finance *vis-a-vis* the General Finance which was presented to Parliament on 30th November, 1960, recommends that the Report be referred back to the Committee with the following opinion of the House:—

(a) That the Report contains no governing principles on which the Rate of Dividend payable by the Railways to the General Revenues has been recommended to be fixed at 4·25 per cent. for the period from 1961 to 1966;

(b) That no case appears to have been made out by the Committee for fixing the rate of Dividend at 4·25 per cent;

(c) That principles for the determination of Capital-at-charge require to be so modified that the Railways do not evade the burden of a fair share of contribution to General Revenues;

[Shri Naushir Bharucha]

(d) That the Report discloses no governing principles as to the method and manner of depreciation accounting, and does not show how the overall sum of Rs. 350 crores for 1961-66 has been arrived at;

(e) That the 'Rule-of-the-thumb' method of depreciation accounting adopted by the Committee,—

(i) camouflages the real financial position of Railways, and fails to give a correct picture of financial stability of the Railways to the House and the public;

(ii) permits corrosion of capital assets by provision of inadeqpate depreciation;

(iii) makes allocation of costs, an unreality;

(iv) defeats the main purpose of depreciation accounting,

(f) That no case had been made out by the Committee for the recommendation that the outstanding liability of the Development Fund should be 'liquidated';

(g) That the proposed provision of Rs. 3 crores for passengers' amenities is on the low side;

(h) That the question of amortisation has been by-passed by the Committee;

(i) That no case has been made, out for not paying Deferred Dividends on new lines as and when the same becomes due and payable;

and the Committee be directed to submit its Report to the House on or before the 20th December, 1960".

Mr. Deputy-Speaker, I am afraid the Report of the Railway Convention Committee makes a disappointing document in that there has been no intelligle approach to the numerous questions which it purports to deal with, nor has the Committee applied its mind to the principles underlining the basic questions, nor is the approach business—like at all and, notwithstanding what the hon. Minister has just said about more money going to the General Fund, I am afraid the recommendations are completely unfavourto the general budget.

The Railway Convention Committee has dealt with 11 basic issues and I propose briefly to discuss all the 11 points within the limited time at my disposal. In the first place, the questions that were dealt with are the present mode of contribution to the general revenues, the rate of such contribution, the rate of dividend on capital at charge on the unproductive lines like the North East Frontier Railways, the question of the basis of depreciation reserve, allocation to depreciation reserve fund, rules regarding allocation of expenditure between capital, revenue, depreciation and development fund, development fund itself, it purpose and method of financing it, the railway users' amenities fund, the merger of passenger tax with railway fares, the problem of amortisation fund, and, finally, deferred dividend on new lines. I propose to deal with all these questions.

As I said, in all these matters the performance of the Committee has been very disappointing and the interests of the general revenues have been very sadly neglected. So far as the present mode of contribution to general revenues is concerned, the report distinctly says that it called for certain statistics on the assumption that there was no better method of fixing the basis of contribution by railways to the general revenues. I am surprised at that. When we asked the Railway Convention Committee to look into this matter, it definitely involved the consideration of whether the basis of linking contribution to the capital at charge was correct or not. In spite of that, from the very start they called for data on the unwarranted presumption that no other basis can be found. It is my opinion that it is fundamentally wrong to link the contribution to the capital at charge because the capital at charge does not include several items of expenditure including the so-called over-capitalisation, and nobody has defined what over-capitalisation is. It is not merely a matter of legal language but it is a question of policy and accountancy also. Nobody has defined over-capitalisation. Also, it does not include contribution towards construction of strategic lines and so on and so forth. We do not know what items are there which go to formulate the capital at charge. I am of the opinion that it is necessary that a separate committee of Parliament should be appointed to investigate into the structure of the capital at charge itself. When you calculate a particular amount at a particular rate, that is, the capital-at-charge multiplied by 4 per cent, that is, the contribution, you must know exactly what the connotation of capital-at-charge is. But that very fundamental defintion is lacking in all our calculations. Therefore I say that linking of contribution with such type of vague capital-at-charge is unscientific.

Secondly, the preset method of determing the capital-at-charge enables the Railways to evade its legitimate share of contribution. Strangely enough, the contribution includes, what is very euphemistically called, 'an element of interest'. What that element of interest is requires to be looked into. Why is it that the Railways contribute only 4 per cent? On what basis? They say that out of that the interest rate works out at 3·2 per cent.—it is 3·18 or 3·19: let us say 3.2 per cent.—and .8 per cent. is their contribution to the General Revenues for the so-called welfare and prosperity of the nation and all the things that the hon. Minister was pleased to mention in the course of his speech.

Shri Jagjivan Ram: All these things are over and above that.

Shri Naushir Bharucha: ·8 per cent. is over and above the element of interest. That is what I am saying.

Shri Jigjivan Ram: Over and above the four per cent.

Shri Naushir Bharucha: Over and over the so-called prosperity is a different thing. If the Railways cannot contribute to the general prosperity of the nation, I do not understand what the reason for their existence is.

Shri Jagjivan Ram: You will take some time before you can understand it.

Shri Naushir Bharucha: Therefore this contribution can be split up into two parts—first the element of interest, and secondly, the real contribution. It has been calculated that in the next five-year period this rate of interest will slightly harden up. They calculate that the average rate will be 3·58 per cent. Therefore they say that in order to preserve that contribution of ·8 per cent. to the General Revenues they have added that to it and made it 4¼ per cent. Is this justified? I say 'Certainly not'. The reason for it is that the General Revenues have contracted dollar obligations which are being used exclusively for the benefit of the Railways. Dollar loans worth Rs. 140 crores have been contracted at rates not less than 5½ to 6 per cent. and that too exclusively for the benefit of the Railways. Who should pay that?

Shri Rajendra Singh (Chapra): Why only for the Railways? It is for the whole country.

Shri Naushir Bharucha: No, these amounts go exclusively to the Railways.

Who should pay this amount? The Railways must pay. If we calculate

[Shri Naushir Bharucha]

the so-called average rate of 3·58 per cent. and add to that these interest charges the element of interest itself will exceed 4 per cent. Therefore what the Railways purport to contribute, that is 4 or 4¼ per cent.......

Shri Jagjivan Ram: Pure arithmetic.

Shri Naushir Bharucha: What the Railways are contributing is nothing more than the interest charges. There is nothing over and above that. It will actually come to less than the interest charges. Definitely it will come to less than the interest charges because during the next five years the tendency for interest rates will be to continue to harden. I do not think in the near future or in the next five years we shall be able to raise money at anything less than 4½ to 5 per cent. Therefore the General Revenues are deprived twofold—firstly, the element of interest on dollar loan which is not taken into account and, secondly, what the hon. Minister says that 4¼ per cent. also includes contribution, which in reality it does not.

Shri Achar (Mangalore): Out of Rs. 2,300 and odd crores, the higher rate is only for Rs. 140 crores.

Shri Naushir Bharucha: Rs. 2,300 crores is not the amount. Whatever it is, I have no objection if the actual amount were calculated and accordingly the contribution was raised. I have no objection to that. Therefore, my submission is that the contribution, instead of 4¼ per cent. should have been at least 5 per cent. and to the extent of ¾ per cent. for five years, general revenues are losing.

There is another question, namely the rate on unproductive lines. It is not as if on whatever the Government invest, they get the return. So far as un-productive lines are concerned, I think there is some reason for accepting the Committee's proposal. In the case of the North East Frontier Railway, part of it is unproductive and part of it is purely for strategic purposes. So far as strategic lines are concerned, I am definitely of the view that this amount must be borne exclusively by the Defence budget. It is most unfair that the burden of maintaining the strategic lines should fall on the Railways. They are bound to run at a considerable loss. These lines are constructed for the security of the nation. Therefore, the entire amount must be debited to the Defence budget, that is, the general revenues. So far as the unproductive part of such lines are concerned, I agree with the recommendation made by the Railway Convention Committee in that behalf.

Coming to the very vexed question of the Depreciation Reserve fund, here, we have got to consider two aspects: first, the basis of the Depreciation fund and secondly the quantum proposed to be set aside, namely Rs. 70 crores on an average per annum for the next five years. Speaking of the basis of Depreciation fund, it has been my grievance ever since I have dealt with the Railway Convention in 1958 and 1959, that no principles at all are being prescribed. On what basis did you arrive at Rs. 70 crores? I could have understood if the Railway Convention Committee had stated that this is the straight line method. Every year they propose to set aside a particular sum of money. Or the Sinking fund method: with compound interest, at the end of the prescribed life of the asset, it will come to that. Nothing of the kind is being done. What the Railway Convention Committee has endorsed is what is really known as the rule of the thumb method of setting aside depreciation. That is to say, a method which takes into account no known criteria for fixing depreciation amount. Because they cannot afford to pay more or because they can afford to pay this much and no more, a particular figure has been set aside. As I mentioned in my substitute motion, this 'rule-of-thumb-method' cannot be adopted by the Committee. First, it camouflages the real financial position of the Railways and fails to give a correct picture of the financial stability of the Railways. Secondly, it corrodes into the capital assets of the Railwals on account of inadequate depreciation. Thirdly, it makes allocation of costs an unreality. Fourthly, it defeats the very purpase of depreciation accounting.

I have also included as one of the reasons that it makes the question of allocation of costs an unreality. What is the real purpose of depreciation accounting? Whenever a business concern tries to estimate what is the cost of production of its unit of product, it has to take into consideration not only the raw materials consumed, labour employed, but also how much machinery has been used by way of wear and tear in producing that particular product. All the cost accounting would have no meaning unless adequate provision is made by way of depreciation. Take for instance, I produce product A in a factory using the plant for 8 hours a day and sell it at Rs. 5. Then I say that the plant has been worn out in its production to the extent of one rupee, and my cost of production is Rs. 5. Suppose I use my plant in two shifts and produce twice the number of articles and sell for the same price, surely my wear and tear goes to Rs. 2. If I say that it is only one rupee and I can produce the product cheaply, such is not the case. Ultimately, the effect of it is that your capital assets are corroded. The Railway Minister may not be there in 1966 when the question comes up as to how to rehabilitate the worn out railways. Therefore, I attach very great importance to the question how depreciation is set aside. Whether it is Rs. 70, Rs. 80 or Rs. 90 crores is not really the question, but the basis on which it is set aside.

The committee has not applied its mind at all to the 'service-life' of the assets. There are certain assets which depreciate very rapidly; there are certain assets the service-life of which can be easily determined. Depreciation should have been set aside in accordance with the service life of the assets which is normally the case among commercial concerns which follow sound, conservative business principles. But the committee has not applied its mind at all to this important aspect of depreciation accounting.

It is not that there is only one basis on which it can be set aside. What I have mentioned is a widely accepted basis. There is another basis namely 'replacement costs' basis. If for instance, today a locomative is purchased at Rs. 4 lakhs, and if it has got a service life of 20 years, then every year a particular amount would be set aside to cover within 20 years that particular amount, namely Rs. 4 lakhs. But by the end of that period you may find that the locomotive costs Rs. 5 or Rs. 6 lakhs. Therefore, your depreciation may have to take into consideration the replacement cost as well. I am not prepared to say that your depreciation should be completely based on replacement cost, because it is extremely difficult to do it, but there must be some scientific basis for taking into account replacement costs.

Depreciation is a serious fact, and what has the committee done? Has it mentioned a single word about the governing principles on which depreciation is to be based? How very unscientific and unbusiness like this method is. And the hon. Railway Minister says he is satisfied that Rs. 70 crores would do. He says they have found out by experience that only to this extent they shall have to draw upon the depreciation reserves for making good the loss by wear and tear. In plain language, what he means is that they have adopted the 'rule-of-thumb-method'. I strongly protest against that because the railways are vital national assets, and they are being eaten into by inadequate provision of depreciation. That inadequate, provision serves to give illusory surpluses in the railway budget. The railway budget, instead of economis-

[Shri Naushir Bharucha]

ing on their administrative expenses directly and indirectly, eats into the capital assets of the railways, and thereby they tend to show that their cost of operation is less. I say the entire budget would become illusory.

Suppose, having regard to the extent of depreciation, Rs. 90 crores are necessary per annum to be set aside, and suppose the Railway Minister produces a surplus of Rs. 10 crores next year. He will say it is a surplus, but I will say it is a deficit because he has not set aside correct amount of depreciation. That is where the camouflage of railway finances comes in. The public is being hoodwinked, and the House is being misled. Today by inadequate provision of depreciation, the Railway Minister manages to spend more and extravagantly on other operating expenses. That has to be set right.

The justification of the hon. Minister for setting aside Rs. 70 crores is that they have found from experience that this is sufficient to take care of the wear and tear of our assets which will be replaced in five years. But what is the position of the railway rolling stock today? I am sure, Sir, you have been travelling in the first class, and you must have seen the fittings, fixtures and other things provided for the amenties of the first class passengers, let alone the third class. What shabby, broken and ramshackle state they continue to exist in, as if the first class coaches belong to nobody! And it is on this basis that Rs. 70 crores are set aside. What would be the depreciation, I ask the hon. Minister, if the railway coaches and locomotives are to be kept in proper maintenance condition? At least on an empirical basis, that is the amount he should have set aside. That he has not chosen to do.

My submission is that nothing less than Rs. 90 crores, even by the 'rule-of-thumb-method', would have to be set aside. I shall now develop that argument.

Mr. Deputy-Speaker: He can continue tomorrow.

17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, December 6, 1960/Agrahayana 15, 1882 (*Saka*).

[*Monday, December 5, 1960/Agrahayana 14, 1882* (Saka)]

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1328	Hire Purchase Scheme of tea Machinery .	3837
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MOTION FOR ADJOURNMENT . . . . . 3839—42

The Speaker withheld his consent to the moving of an adjournment motion given notice of by Sarvashri S. M. Banerjee and V. P. Nayar regarding proposed retrenchment of workers in the Bhilai Steel Plant.

PAPERS LAID ON THE TABLE 3842-43

The following papers were laid on the Table :--

(1) A copy of Government Resolution No. Cem-8 (5)/60 dated the 20th October, 1960 making a reference to the Tariff Commission to review the fair ex-works prices payable to the cement producers.

(2) A copy of each of the following papers under sub-section (2) of Section 16 of the Tariff Commission Act, 1951 :—

(*i*) Report (1960) of the Tariff Commission on the continuance of protection to the Sheet Glass Industry.

(*ii*) Government Resolution No. 14 (1)-TR/60 dated the 23rd November, 1960.

(*iii*) Statement explaining the reasons why a copy of the documents at (*i*) and (*ii*) above could not be laid on the Table within the period prescribed in the said sub-section.

(*iv*) Report (1960) of the Tariff Commission on the continuance of protection to the Plywood and Teachests Industry.

(*v*) Government Resolution No. 28(1)-T.R. 60 dated the 30th November, 1960.

MESSAGES FROM RAJYA SABHA 3843

Secretary reported the following messages from Rajya Sabha :—

(*i*) That Rajya Sabha had agreed without any amendment to the Employees' Provident Funds (Amendment) Bill, 1960, passed by Lok Sabha on the 14th November 1960.

PAPERS LAID ON THE TABLE—*contd.*

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(*ii*) That Rajya Sabha had passed the Repealing and Amending Bill, 1960.

BILL PASSED BY RAJYA SABHA LAID ON THE TABLE 3844

Secretary laid on the Table the Repealing and Amending Bill, 1960 as passed by Rajya Sabha.

PRESIDENT'S ASSENT TO BILLS 3844

Secretary laid on the Table the following Bills passed by the Houses of Parliament during the current session and assented to by the President since the last report made to the House on the 14th November, 1960 :—

(1) The Indian Aircraft (Amendment) Bill, 1960.

(2) The Indian Museum (Amendment) Bill, 1960.

REPORT OF JOINT COMMITTEE ON BILL PRESENTED 3844

Shri Mulchand Dube presented the Report of the Joint Committee on the Motor Transport Workers Bill, 1960.

REPORT OF SELECT COMMITTEE ON BILL PRESENTED 3844

Shri Mulchand Dube presented the Report of the Select Committee on the Preference Shares (Regulation of Dividends) Bill, 1960.

EVIDENCE ON BILL LAID ON THE TABLE . 3845

Shri Mulchand Dube laid on the Table a copy of the Evidence given before the Joint Committee on the Motor Transport Workers Bill, 1960.

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STATEMENT BY MINISTER 3845—47

The Minister of Home Affairs (Shri G. B. Pant) laid on the Table a statement on the incidents that occurred on the 24th November, 1960 near Gurdwara Rakabganj in New Delhi.

STATEMENT BY PRIME MINISTER . . . 3847—79

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) made a statement on the discussions between the Central Government and Government of West Bengal regarding transfer of Berubari to Pakistan.

BILL PASSED . . 3879—3943

Further discussion on the motion to consider the Preventive Detention (Continuance) Bill and the amendments thereto for circulation of the Bill for public opinion and for reference of the Bill to a Select Committee, continued. The Minister of Home Affairs (Shri G. B. Pant) replied to the debates. All the amendments were negatived. On the motion for consideration the House divided, Ayes, 172 ; Noes 41 and accordingly the motion was adopted. The clause-by-clause consideration of the Bill was also concluded.

BILL PASSED—*contd.*

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On the motion to pass the Bill the House again divided, Ayes 165 ; Noes 33. The motion was accordingly adopted and the Bill was passed.

SUPPLEMENTARY DEMAND FOR GRANT (RAILWAYS) 1960-61 . 3935—53

Discussion on the Supplementary Demand for Grant in respect of the Budget (Railways) for 1960-61 commenced and concluded and the demand was voted in full.

RESOLUTION UNDER CONSIDERATION . . 3954—70

Minister of Railways (Shri Jagjivan Ram) moved the Resolution *re* : Report of the Railway Convention Committee. One substitute motion thereto was moved by Shri Naushir Bharucha. The discussion was not concluded.

AGENDA FOR TUESDAY, DECEMBER, 6, 1960/ AGRAHAYANA 15, 1882 (SAKA)—

Further consideration of the Resolution *re* : Report of the Railway Convention Committee ; and consideration and passing of Supplementary Demands for Grants (General) for 1960-61.

GMGIPND—LS II—1476(Ai) LS—12-12-60—901.